

SOVEREIGNTY

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In 1868 the United States and the Sioux, Northern Cheyenne, and Arapaho Nations of Indians signed a treaty of peace which was considered by all a means of ending the brutal conflict on the northern plains. Less than a decade later, in November of 1875, then President U. S. Grant withdrew American troops who had the duty of preventing white miners from entering the sacred Black Hills of the Dakotas thereby initiating a war with the tribes. The following year saw those Indian nations achieve their greatest military victory at the Little Big Horn and the following year experienced the confiscation of the Black Hills and additional territory from the Sioux Nation.

For 105 years the Sioux peacefully petitioned the United States for redress from these and other grievous wrongs without satisfaction. Finally, with escalating oppressive measures being thrust upon them by the tribal government and the federal agencies charged with enforcing the law, the traditional people went to the little hamlet of Wounded Knee to protest their grievances. The tiny village was quickly surrounded by federal authorities, some military units were alerted and others sent individuals acting as "advisors" to the scene of activity, the exact pattern which the United States had used in its venture in Viet Nam. The Indians held the village for 73 days and finally signed an agreement with the Nixon administration which ended the occupation without further conflict. Nearly two hundred indictments were handed down in this incident and of these indictments only six persons were found guilty of a crime, two having pled *nolo contendere* to the charges against them.

As part of their defense, everyone indicted in connection with the occupation of Wounded Knee claimed that the United States had no jurisdiction over the Sioux Nation within its boundaries because of the 1868 treaty, particularly Article One of the treaty which made provisions for surrendering wrongdoers or providing monetary compensation in lieu of such surrender. These motions to dismiss for lack of jurisdiction were consolidated together and a special hearing was held at Lincoln, Nebraska, in December 1974 to settle the jurisdictional question.

During the course of the Lincoln hearings numerous witnesses took the stand and, whether scholar or traditional Indian, the story was the same—the United States had unilaterally violated the treaty and a major part of this violation revolved about the provisions of Article One. Even the government's witnesses were inclined to present the Sioux side of the story since the record was so clear concerning the violations. Nevertheless the court ruled against the Sioux although there was not a single item of

evidence presented by the United States that it had ever legally taken civil and criminal jurisdiction over the Sioux Nation.

The case went to the 8th Circuit Court of Appeals and again the United States was unable to produce any evidence or cite any statute or treaty which gave the government jurisdiction over the Sioux. But the case had become a cause celebre and the Circuit Court refused to deal with the issue, simply noting that it was adopting the opinion of the court below. In early 1977 the Supreme Court, again looking at the evidence and recognizing the controversial nature of the legal question presented, refused to hear the case, thus foreclosing any discussion of the question in a federal court.

Judge Urbom's decision might rank among the lowest examples of morality and legal thinking in American history if it were out of the ordinary course of events in the historic relationship of the northern plains Indians and the United States. But compared with some of the evidence of treaty violation brought out in the hearings, the decision had at least a ring of compassion and human confusion which softens any harsh condemnation of Urbom.

Contained in these pages are the distilled testimonies of a number of the witnesses who appeared at the Lincoln hearings. The difficult task of editing the transcripts fell to Dr. Roxanne Dunbar Ortiz, a professor of Native American Studies at the California State University at Hayward. Working for nearly a year, she was able to bring together the major contentions and speeches of the witnesses into a consistent pattern of presentation and a great deal of credit must be given to her for this work. Some of the testimony has been compressed and some has been expanded to provide for a better articulation of the subjects under discussion. Testimony in a courtroom is much different than a prepared speech or lecture, and lacks the formality of a meeting or fireside chat. The witness can be asked questions out of historical sequence, specific points can be elaborated which have no direct relevance to the understanding of the topic, and a great deal of communication necessarily exists in the tone and quality of voice, facial mannerisms of the witness and the general demeanor of the courtroom. These elements of a trial, and the messages which they communicate, cannot be put on paper and so in some instances we have asked witnesses to revise their portion of the transcripts and attempt to use other words to communicate the meanings which were clearly communicated in their appearance in the courtroom.

What can be said of the decision which failed to deal with the basic question of Indian treaty rights? At least what can be said in retrospect? Perhaps most crucial to our understanding is the necessity to recognize the distinction that exists between the two cultures: the Indian and the European. A nameless Indian long ago remarked that "White men have ideas; Indians have visions." In this aphorism we find the clue to any discussion of what happened at Lincoln. The federal authorities, judges, marshals, and attorneys all come from a literate culture in which the most important things are items on paper. The continual rearrangement of items seems to make the extreme boundaries of thought which literate culture is capable of achieving. Thus when the traditional Indians presented testimony concerning the moral quality of the treaty and demanded that the spiritual nature of treaty promises be considered, no one on the government's side was capable of coming to grips with these kinds of issues. Law and justice became separate items for consideration and strict adherence to the law became the criterion by which the decision was made.

Even then, however, had the decision rested upon a proper interpretation of the law there is no doubt that the Indians would have won easily. Numerous Indian Studies and political science classes have analyzed the Urbom decision and have walked away

in a stupor at the inability of the judge to follow simple lines of reasoning or to draw the proper conclusions from the evidence which was presented. One famous remark made by Judge Urbom, to the effect that he had to consider the fact of witnesses who did not appear representing some alternative interpretation of the treaty, must someday be enshrined in the halls of confusion and irrationality. But all of this confusion stemmed from the political nature of the trial. Obviously if the Lord Himself had testified it would not have made much difference since the potential explosiveness of the decision—that the Sioux might be a quasi-independent nation inside the United States—was simply inconceivable and unacceptable to the administration in power and the society which it represented. Sometimes the incredible nature of truth makes falsehood acceptable and thus it was in this case.

If, however, the Indians have visions, and contain within the oral tradition a wholistic view of reality, why could not this viewpoint have been expressed in legal terms? Morality, as such, has a proper function in arbitration wherein each side presents both legal and moral premises, reasonings, and contentions and where the task of the arbitrator is to find that strange and unique combination of morals and laws which will resolve the dispute under consideration. A federal court is not designed to decide either moral or legal issues. Rather it is an arena wherein parties contest, in an intellectual and rhetorical "trial-by-combat" for a victory. The Indians, coming to court to contend essentially legal and moral issues, did not conceive of their role as adversaries nor of the proceedings as an effort to make points against the other side. They were concerned that the whole story of their suffering emerge. It did emerge, as Urbom's rather sentimental reference discloses, but it did not carry the day against the determination of the judge to exclude the same from consideration.

Where does this story now go? The Sioux have been in court on the treaty of 1868 since 1920 without any redress. They have suffered the indignity of seeing various federal courts skirt the issue of their treaty through various devices of rhetoric and strained logic. Perhaps no faith in the judicial proceedings has existed for a long time now for it is only when they have been forced into federal court, as happened at Lincoln, that they came to testify. Federal authorities continue to point to ill-conceived decisions such as Urbom's and maintain that the issue has now been decided and that the Indians must abide by the decision. But any fair reading of the transcript will reveal that the issue was very skillfully avoided and cannot be morally considered *res judicata* by any means. Pending a radical uplift in American conceptions of morals and justice, however, it cannot be conceded that the issue is closed, for few political leaders will dare to open the case for fear that the story will emerge to haunt their careers.

This book records what the Sioux people, the scholars and the attorneys for the Sioux attempted to bring to the attention of the federal courts, the administration of that year, and the American people concerning the nature and status of the Sioux Nation. Sovereignty exists as much in the hearts of people as in the ability of a political group to use military force to maintain itself. If the Sioux people have been the first victims of the American oligarchy of wealth and privilege, the average citizens will be the last and most oppressed victims of this group. Thus if reading this book produces only sentimentality and sympathy the presentation will not have done its job for in a real sense everyone is a member of the Sioux Nation, a victim rather than an oppressor.

But if the moral issues raised by the Sioux people in the federal courtroom that cold month of December 1974 spark a recognition among the readers of a common destiny of humanity over and above the rules and regulations, the codes and statutes, and the power of the establishment to enforce its will, then the sacrifice of the Sioux people will not have been in vain.

CONCISE HISTORY OF UNITED STATES-SIOUX RELATIONS

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The following is an historical background to give perspective to the point of view of the Sioux Nation of American Indians of the Dakotas with regard to their current claims of sovereignty and complaints of broken treaties and present-day repression by the Government of the United States.

The tens of thousands of people who came to be known as Sioux Indians were among the original inhabitants of North America, organized into numerous autonomous groups that were allied, were culturally similar and interrelated, and spoke slightly differing dialects of the same language. Their spiritual and governmental values and structures of society had evolved through thousands of years and were satisfying to the people. They governed themselves; they managed and controlled their own affairs; and they neither required the assistance of outsiders, nor menaced others.

The first white men from Europe who intruded into their villages were French missionaries and fur traders from Quebec and Montreal, who in the 1600's imposed themselves on Sioux peoples living in Minnesota, trying both to wean them away from the spiritual beliefs of their fathers by Christianizing them, and to enroll them as allies in the fur trade against the British from Hudson Bay and various other Native peoples whom the English were already aggressively exploiting as procurers of furs. The English soon also made their appearance among the Sioux, and the white men's imperialistic rivalry for control of the continent harmed all the Native Americans, including the Sioux—seducing and forcing Native groups into roles as armed auxiliaries in the white men's wars, introducing alcohol and disease, and corrupting societies with European materialistic traits. The Sioux nevertheless successfully maintained throughout the period of French and English disruption their own sovereignty, independence, and traditional values and ways of life.

After the transference of the so-called Old Northwest and Louisiana Territories to the new government of the United States, American fur trappers from St. Louis began to meet groups of western, or Teton, Sioux, including Oglalas, Hunkpapas, and others, along the Mississippi and Missouri rivers and in present-day Minnesota, Iowa, and South Dakota. During their passage through Sioux lands in 1804, Lewis and Clark reported such a meeting.

The following year, on September 23, 1805, Lieutenant Zebulon Pike made the first American treaty with a group of Sioux Indians in the vicinity of present-day Minneapolis, Minnesota, purchasing two tracts of land in that area for a military post, and asserting "the full sovereignty and power over said districts forever." The

agreement neither intended to assert power over the Sioux people, nor said so, and the treaty itself was never officially proclaimed by the President of the United States. American ability to implement the treaty was negated by the fact that, in reality, the British presence was still too strong in the area—a situation underscored when, during the War of 1812, the British effectively barred Americans from the upper Mississippi and middle Missouri rivers. During the conflict the British again tried to enroll groups of Sioux people into fighting their wars for them—this time against the Americans.

After the war, the British disappeared, and American officials, beginning on July 19, 1815, and continuing through the 1820's and 1830's either journeyed into Sioux lands—or brought members of individual Sioux groups to St. Louis or Washington, D.C.—to sign certain treaties, thought up, desired, and written by the Americans and, through one means or another, imposed on the Sioux peoples to make possible the American policies of western land acquisition and exploitation. These policies, first enunciated by Congress during the Federalist Administration of George Washington, envisioned the payment of the national debt and the expenses of the government by the sale of western lands—which would be procured by purchase from the Indian tribes. Almost from the start, however, it was clear that the Indians did not wish to sell their lands, and beginning in 1790 bribery, deceit, fraud, and armed force were all used to dispossess the tribes and move them westward ahead of the advancing white land speculators and settlers. Thus, military force was used under Generals Harmar, St. Clair, and Wayne to seize present-day Ohio and much of Indiana from Indian owners. President Jefferson encouraged a speed-up of the process of driving all Indians out of the East and across the Mississippi River, giving license to such unprincipled agents as General William Henry Harrison to use bribery, to make Indian negotiators drunk, to forge their marks, and to use individuals with no authority in order to produce treaties that ceded land to the Americans.

The first treaties with the Sioux—who lived in lands beyond the immediate need of the westward-moving whites—were to procure their friendship, rather than their lands. The initial treaty, that of July 19, 1815, was signed with one group of Sioux who had been in contact with the British, rather than the Americans, during the War of 1812, and was merely to establish “perpetual peace and friendship” between those Sioux and the Americans. The document stated that the Sioux of that group placed themselves “under the protection of the United States, and of no other nation, power, or sovereign, whatsoever”—reflecting the Americans’ principal aims of preventing the Indian signers from becoming allies in the future of any potential enemy of the United States.

This wording and similar phraseology in other treaties is important to present-day Indian peoples in at least two respects. First of all, the wording itself—aside from how it was conveyed to the Indians, and what they understood it to mean—obviously conferred on the United States no authority, or sovereignty over the Sioux group. It was, as stated in its preamble, a treaty of “peace and friendship” between two independent parties met on equal terms. Secondly, white historians, when reviewing treaty documents made with Indians, have been derelict. Victims of ethnocentricity, they have viewed the written word from the point of view of the white men who wrote it, but, in general, have failed to question how it was communicated to the Indian who did not speak English, or spoke and understood it faultily; what the Indian understood that it said; how the Indians among themselves reacted to it; what replies and objections the Indians might have made; how the white men treated those replies; and how the treaty was finally signed, and by whom.

Thus, the written words of a vast number of Indian treaties, including most of

those made with the Sioux, are deceptive, hiding the facts that, again and again, a white man’s “gist” rather than the full treaty was spoken, not read, to the Indians; that the “gist” was often deliberately false or misleading, hiding or distorting what the words of the treaty actually said; that the communication was made to the Indians by an interpreter, often a Frenchman or halfbreed faulty in English or the Indian language, or both, and sometimes by a man who had had trouble with the Indians, wished to see them harmed, and played mischievous tricks in his role as interpreter; that frequently the actual Indians with authority to speak, and sign a treaty for their people, refused to do so, and the Indian signatures on a document were those of individuals who were bribed, or gotten drunk, or who had no authority to sign for their people, or are actual forgeries, placed on the document by the white negotiators after the treaty meeting.

All these ramifications to written treaties, ignored by whites, have become clear to Indians in recent years, as they have begun to examine the documents for themselves. From their own oral accounts, they know their own people’s understanding of the treaties as it was handed down to them, and they know, as well the individual accounts of false treaties secured by episodes of white men’s bribery, deceit, forgery, and military force. But, adding substance to what they know from the records of their own people, has come the modern research and scholarship undertaken in claims cases, and by present-day historians, examining the records of the white man himself, in the American National Archives and elsewhere, revealing the letters, diaries, and official reports of negotiators who boasted in detail how they cheated the Indians in the treaty sessions.

Against this background, history records the following early-day treaties made between individual Sioux groups and United States negotiators: at St. Louis, on June 1, 1816, a treaty of “peace and friendship,” confirming to the United States any cession of land previously made by these Sioux to any other European power (there were no such cessions), and acknowledging “the protection of the United States”; in 1825, four treaties by different groups of Sioux, including the Oglalas and Hunkpapas, of the middle Missouri River and South Dakota, acknowledging the “protection” of the United States, regulating trade with Americans, providing for the punishment of the “misconduct” of either whites or Indians in their relations with each other, and, in one of the treaties, promoting peace between the eastern Sioux of Minnesota and Iowa and their Indian neighbors. Although the latter treaty, signed at Prairie du Chien on the upper Mississippi River on August 19, 1825, has the Indians acknowledging “the general controlling power of the United States,” it is questionable if the Indians had any clear conception of what this might signify. At any rate, the Indians by that treaty did not surrender sovereignty, nor did the United States assume any authority or “control” over the Indian signatories.

By the 1830's, the Western, or Teton, Sioux, including the Oglalas, were engaged in trade relations with American fur men throughout the northern plains, from the western side of Iowa almost to the Rocky Mountains. Their peoples composed groups that exercised all the independence of free peoples. At the same time, Sioux groups in the East, in Iowa and Minnesota, under the pressure of advancing whites, began to make treaties that ceded homelands and hunting grounds in that part of the country. In two very large cessions, in 1851, the Eastern Sioux peoples ceded a great amount of land in Iowa and Minnesota, reserving for themselves a small area mostly along the Minnesota River. In that same year, at Fort Laramie in present-day Wyoming, the Western, or Teton, Sioux, designated as the Dakota Nation, and including the Oglalas

and other groups of Sioux who lived on the plains, signed a treaty, along with many other plains tribes, agreeing, at the behest of the white negotiators, to permit the U.S. Government to establish roads and military and other posts "within their respective territories." The Government requested this treaty council in order to acquire a right-of-way for a route for white settlers who were crossing the plains to Oregon and California. In an effort "to safeguard" the route from friction between the travelers and Indian peoples whose lands they were traversing, the Government in this treaty induced the tribes to designate their respective homeland territories, promise not to war upon each other, and stay away from the white travelers. Despite the fact that the white travelers were already utilizing the Indians' hunting grounds and chasing away and depleting the buffalo herds on which the Indians relied for sustenance, the different tribes, including the Sioux, gave peaceful right-of-way to the travelers through their lands in that Fort Laramie Treaty on September 17, 1851. The treaty in no way implied a surrender of sovereignty or other authority by the tribes to the U.S. Government. In fact, the treaty several times referred to the tribes as "Indian nations" and in one article stated that the "principals or head-chiefs" of the respective "nations" will conduct "all national business" for the individual Indian groups.

In 1858, a series of treaties in Washington, D.C., with groups of Eastern Sioux brought from Minnesota and western South Dakota won more cessions of land from them, formalized the lands left to them as reservations, and stipulated the details of relations between them and the American government, placing some of their affairs in the hands of government agents of the Office of Indian Affairs of the Department of the Interior, and providing for allotments, the paying of annuities, the building of roads and posts on their land, the educating of their people, trade relations, and so forth. Though no mention was made of surrender by the Indians of their sovereignty, the treaties opened the door for the unilateral assertion of complete authority by the Office of Indian Affairs agents over the destiny and daily life of those Indians. These treaties, however, did not relate to the Western Sioux. In Minnesota, the treaties soon led to tragedy. Thousands of newly arrived immigrants to the United States, mostly of Scandinavian and German background, moved onto the ceded lands and were soon oppressing the Indians and threatening the lands the Indians had kept for themselves. The conflict became intolerable for the Eastern Sioux, and led to a short, but violent, war in 1863, which resulted in the death of many of the Eastern Sioux, as well as settlers, the seizure of more Sioux lands in Minnesota, and the driving of most of the Sioux people westward, out of Minnesota, by the United States Army.

The Western Sioux, meanwhile, retained their sovereignty and independence in their homeland, which included all of present-day South Dakota west of the Missouri River, part of western North Dakota, and large areas of eastern Montana, Wyoming, and western Nebraska, and which was centered on the Black Hills of South Dakota, which were considered the sacred heartland of their lives, lands, and culture. Within a short time after signing the Fort Laramie Treaty of 1851, however, the Western Sioux began to come under great pressure and provocation from white travelers through their lands. Aggressive acts against Indians by intolerant and racist whites on the Oregon Trail led to increasing friction, which was made worse by impulsive, glory-seeking military officers of the army. Troops began to chase and hound Sioux groups indiscriminately, and then fall on unsuspecting villages of people who have been uninvolved in conflicts. Indian men, women, and children were massacred by General Harney and others. The Indians were forced to fight back to survive what became a genocidal war of extermination against them on the central plains. In the mid-1860's,

warfare was constant between the various plains peoples, including the Sioux, and troops.

The conflicts interfered with the routes that whites were now using through Indian lands to travel to Colorado, Montana, and the Far West, and in 1865, unable to break the Sioux militarily, the Government sought peace and held a series of treaty meeting with groups of the Teton Sioux at Fort Sully in present-day South Dakota. The purpose was principally to induce the Sioux by treaty, rather than by armed force, to abandon their central plains lands to the white travelers and homesteaders and move north onto reservations in South Dakota. The treaties made at Fort Sully are among the principle examples of documentary evidence in conflict with the Indians' version of what they were told, and what they understood. The words say that the various Dakota (Western Sioux) groups, including the Oglala, the Miniconjou, the Brule, the Two Kettle, the Sans Arc, the Hunkpapa, the Blackfeet Sioux, as well as two groups of Yanktonai "Acknowledge themselves to be subject to the exclusive jurisdiction and authority of the United States."

The Indians state categorically that this was never communicated to their negotiators or their people, and that the Sioux, still free, independent, and strong—in fact, negotiating from a position of strength—would never have agreed to such an acknowledgement of surrender of their sovereignty. The evidence of history, and of later events, supports their assertion. The two interpreters at these meetings, Zephier Recontre and Charles Degres, were illiterate, could neither read nor write, and were deficient in communication with Indians, as well as the whites. They were tools and partisans of the chief white negotiator, General H. H. Sibley, of whom they were frightened. It had become policy at that time, moreover, for white negotiators to put down in words whatever they wanted to say—sometimes after the treaty meeting was over—and then tell Washington that the Indians had read the wording and had agreed to it. On occasion, the lie was revealed, to the great embarrassment of the government, when Indians were brought to the East, had the treaty wording read to them by Washington officials, and then revealed that the wording was all new to them. In the case of the treaties at Fort Sully in 1865, the Indians understood that they were merely to assert that the troops would stop making war on the Indians. Promises were made of material assistance to Indians who wished to locate permanently as farmers on tribal land, and in the case of one group, a reservation was delineated on the Missouri River, over which, once again, the government gradually and unilaterally assumed dictatorial control over the Indians' lives. Hidden in the treaties, also, was a commitment by the Indians to "withdraw from the routes overland already established, or hereafter to be established through their country"—a patently deceitful clause, designed immediately to force the Indians to abandon their lands along the Platte River Basin, but ultimately giving the government the right to slice through Sioux lands anywhere they wished. This clause was not communicated to the Indians, and if it had been told to them, it would not have won their assent.

The Oglalas and other Teton groups returned to their lands, only to be faced by a new white assault in 1867 and 1868, when the United States Congress, now in the hands of corrupt Radical Republican bosses, made collusive deals with promoters of the Union Pacific Railroad and western mining interests, giving away Indian-owned land as "grants" and making other commitments that trampled unconscionably on Indian rights. New rights-of-way were required for the transcontinental railroad, and for a wagon road from the Oregon Trail through Sioux hunting grounds to the mines of western Montana, and when the Indians balked at being pushed off their lands, troops

were ordered to drive them off. When the Army began to build forts along the so-called Bozeman Trail in Sioux country, the Sioux resisted, finally ousting the army in a series of victories under Red Cloud. In defeat, the army, under General William Tecumseh Sherman, met with the leaders of all groups of Western, or Teton, Sioux at Fort Laramie on April 29, 1868, agreeing to abandon the proposed Bozeman road and the forts that had been built along it, and promising to keep troops and other white men out of the Indians' country, to leave the Indians at peace, and permit them to remain in the Platte River Basin, where they hunted and traded at various posts.

This is what was told to the Indians by the deceitful interpreters, Nicholas and Antoine Janis, and what they understood, but, again, the wording of the treaty went further, including provisions that Red Cloud and the other signers later insisted were never read to them. The wording established all of South Dakota west of the Missouri River as a guaranteed reservation for the Sioux, and acknowledged that other Sioux lands—in western Montana and Wyoming—were “unceded” Indian land, in which the Sioux and Cheyenne could continue to hunt without white interference. Agencies would be established on the reservation, and Indians would go and live at them. (This implied that the Indians could be ousted from the Platte River area.) The designation of the Western Sioux lands as “unceded,” as distinct, somehow, from the South Dakota “reservation,” was legally meaningless, and reflected a confused attempt to create a basis for later fraud.

Soon after the signing of the treaty, government troops broke it, ordering all Indians out of the Platte Basin. When the Indians resisted, war broke out again, and the troops steadily forced the Indians northward. By 1870, the government, at the request of corrupt Congressmen, were also trying to drive the Sioux out of the “unceded” lands of Wyoming and Montana. The Sioux resisted there, also, and Red Cloud went to Washington and New York, revealing to startled audiences of reformers, church leaders, and others that he had never before heard of most of the provisions included in the Fort Laramie Treaty of 1868. The revelations embarrassed the administration and the Radical Republicans in Congress, who themselves were soon to become exposed in the great *Crédit Mobilier* scandal that revealed their collusion in giving Indian land to the Union Pacific Railroad promoters. Enmeshed as the principal thieves behind this new deception of the Sioux were such men as Vice President Schuyler Colfax, Speaker of the House James G. Blaine, the Secretary of the Interior, and many Senators and Congressmen, including the future President James A. Garfield (who also forged the name of the leader of Montana's Flatheads to a treaty robbing that tribe of the Bitterroot Valley in western Montana).

The scandals led to a so-called “peace policy” and “reform” by the government, which were a sham, and visited more harm on the Indians. A Congress, smarting with anger against the Indians, dropped all pretense of recognizing the Indian groups as free, independent people, enjoying sovereignty, viewing them, instead, as subject peoples, whom the U.S. Government could conquer and rule as it saw fit. There would be no more treaties, since they implied agreements with nations that enjoyed the right to speak and deal for themselves. As a token of “peace,” the government, in the only episode of the joining of church and state in the history of the United States, turned over every reservation to a different church, giving the church administrators, now become agents as well as educators of the Indians, complete freedom, with army support, to Christianize the Indians and turn them into white men, using any form of punishment and oppression they deemed necessary to accomplish this goal. With extreme ruthlessness, under the guise of charitable reform, the government unilaterally began robbing sovereignty from whatever Native peoples still possessed it.

For a time, Sioux power kept the white oppressors at a distance. But the new Government policy opened Sioux lands to a new wave of uninhibited plunder of Indian property. Again, corrupt members of the Grant administration and of Congress made personally-enriching deals with the notorious banker, Jay Cooke, turning over 47,000,000 acres of land grants, including Sioux reservation and hunting lands, to his Northern Pacific Railroad. The railroad's survey parties were accompanied through the Sioux lands by General Custer, who was in league with the criminal Secretary of War, William Belknap, a grafter who would eventually be driven from Grant's Cabinet in disgrace for a corrupt deal with an Indian trader. The Sioux, often led by Crazy Horse, tried to drive Custer and the railroad builders from their lands. The violations of the 1868 Fort Laramie Treaty were finally climaxed by a deliberate intrusion by Custer into the sacred heart of Sioux country, the Black Hills themselves. Flaunting the treaty, every right of the Sioux, and the objections the Indians made to this act of aggression, Custer announced to the world that he had discovered gold in the Black Hills.

Inevitably, a gold rush started, and white miners overran the center and the most holy portions of the Sioux lands. When the Sioux tried to drive them away, the government, in another unconscionable action that violated the 1868 treaty, attempted to force the Sioux into ceding the Black Hills. The 1868 treaty had said specifically that no “cession of any portion or part of the reservation . . . shall be of any validity or force . . . unless executed and signed by at least three-fourths of all the adult male Indians, occupying or interested in the same.” No Indian, much less three-fourths of the Sioux people, was willing to sell the Black Hills at any price, and the frustrated government now ordered all Sioux to evacuate the area and go and live at the agencies on the reservation. The White man's greed and immorality at this time can only be understood by recognition of the complete moral collapse that was going on in Washington at the time of the Grant administration and the worst Congress in American history. The entire American nation was being plundered by collusion between industrial robber barons and politicians who were without conscience.

The results of the unabashed policy of Indian robbery and suppression are well known. The Sioux resisted giving up their lands; a huge army attacked the Sioux; one part of it, under Custer, assaulted a Sioux and Cheyenne village at the Little Bighorn River. Custer's defeat, trumpeted by the politicians as a “massacre,” led to a determined war of annihilation against the Sioux which ended in the survivors being herded into the agencies and punished on their own lands as “hostiles” and prisoners of war. Patriotic leaders of the Indian resistance, including the great Oglala hero, Crazy Horse, were murdered. Behind fences of wire, the Sioux groups were beaten and starved into submission. Their reservations were turned into concentration camps, and a brutal policy of forcibly stripping them of their traditional ways of life, standards, structures of society, spiritual beliefs, and cultural values was inaugurated under the administration of a dictatorial and tyrannical triumvirate of government agents, Christian missionaries, and soldiers. The policy was to beat the Indian-ness out of the Sioux, turn them into compliant whites, push them eventually off their lands and into white society. Those who resisted were to die out. Either way, the Indian would become “the vanishing American.” There were to be no more Indians, no more Sioux. Trying desperately to survive, many Sioux embraced spiritual beliefs, which the white man called “the Ghost Dance.” Viewed as an obstacle to the forced assimilation of Indians, these beliefs were proscribed, and Indians practicing them were treated as “hostiles.” Sitting Bull was murdered, and the religious movement was all but destroyed in a harsh military oppression climaxed by the hideous massacre of some

300 Sioux men, women, and children at Wounded Knee in 1890 by vengeful members of Custer's old military unit, the Seventh Cavalry.

The Sioux did not die out. In 1882 and 1883, the Government unilaterally imposed on them the present-day reservations, forcing various members of each group of Western Sioux to sign "agreements" (treaties were no longer allowed) that established the reservations, turned over to the U.S. enormous portions of Sioux lands, ended the large "reservation" created by the Treaty of 1868, and opened the way for the allotting of the new reservations into small plots of land to be distributed among individual Indians. These agreements were responses to the political pressure of the large number of white immigrants who were pouring into the Dakotas and demanding Indian land for their own homes, farms, and ranches, and for rights-of-way for roads and various means of transportation and communication. The newly arrived whites were among the most vicious enemies the Sioux had ever encountered, many of them bigoted and racially intolerant to the near-pressure of Indians, whose lands they coveted. Under the influence of these "bonanza" farmers and the equally-aggressive poorer settlers, the government merely confronted the beaten, demoralized, and captive Sioux with documents and said, "sign here," again violating the 1868 Treaty, which had said that three-fourths of the adult males would have to sign any new cession of Sioux lands.

During the following fifty years, the Sioux, who had never given up their sovereignty, were subjected to a forced assimilationist policy, administered by government agents and missionaries. The allotment policy, formalized by the passage of the Dawes Act of 1887, created a built-in obstacle to the economic development of the people. Robbed of their old ways of securing a livelihood, nothing viable was offered as a substitute—only minimum levels of subsistence rations (often withheld as punishment) and agricultural and stock-raising programs that inevitably failed because of government ineptness and corruption. The lot of the people became increasingly desperate, as revealed finally by the Meriam Report in 1928. The Indians were literally consigned to starvation, disease, poverty, and death by a country of white conquerors who wanted to know nothing about them, and by a government that was waiting for them to think, act, and live like whites, or die off. The U.S. Government had stripped them of their lands and freedom, and ruled them absolutely through the boss-ridden mechanism of the most corrupt and inefficient bureaucracy in the federal government, the Bureau of Indian Affairs. In 1924, the Congress, without consulting the various Indian groups, made the Indians citizens of the United States—a move that, in many respects, was a travesty, since it did not confer on the Indians the right to self-government, or any of the other civil and political rights, enjoyed by all other American citizens. On the contrary, it further fastened a dictatorial hold over the Indians, by implying that, as citizens of the United States, they could no longer think in terms of possessing the sovereignty of free and independent peoples, which had been taken from them.

Under pressure from reformers, the Indian Reorganization Act of 1934, attempting to lighten the economic burden of American taxpayers, who were still paying for appropriations for Indians who had not disappeared, tried to cope with some of the root causes of the social and economic ills on the reservations. Various economic and cultural bows were made in the Indian direction to try to restore their morale, but a new system of government was instituted that was to lead to new difficulties. Again unilaterally, the American government imposed on the Sioux reservations a uniform governmental system, modelled not on traditional forms which would have been familiar to the Indians, but on the white men's own government—a

system of tribal councils, headed by executive officials who were members of the tribes. The people found this system strange, and in a large measure were unable to support it. New institutions rapidly deteriorated into governments of a class of reservation professional politicians, who hungered for the favors and salaries of their positions. Since the Bureau of Indian Affairs gave up none of the important governmental functions on the reservation—including that of veto power over all financial matters—the Indian tribal council governments were purely accommodating rubber stamps for the white bosses in the agencies' offices—with no more power than that of honorary Native legislatures under the thumb of governors in the British colonial system. Even worse, as the Indian political leaders worked more and more at the direction of the Bureau of Indian Affairs and other white governmental functionaries on the reservation, they lost all sense of responsiveness, and of accountability, to the people, holding themselves responsible, instead, to the agents of the Bureau of Indian Affairs. In time, the tribal governments—far from offering the people a protective and democratic self-government—degenerated at worst into gangster-like cliques, riddled with nepotism and petty graft and supported by the Bureau of Indian Affairs and both Indian and white police forces, and at best into quiet, ineffective, do-nothing bureaucracies that lived off governmental salaries.

Today, on some reservations, the Indian governmental apparatus—usually dominated by those who are most assimilated and, quite often, by those of least Indian blood and Indian cultural heritage—are willing tools for the Department of the Interior's modern-day role of bringing about corporation termination—selling and leasing Indian resources to the large conglomerates of coal and mineral exploiters, home development builders, and other aggrandizers of Indian property. On other reservations, the tribal governments, supported by the Department of the Interior, have become little more than self-enriching tyrannical dictatorships, victimizing the people by illegal elections and brute force of private police units.

In recent years, the excesses of these governments, together with the continued desperate economic and social conditions of the people; the unabated prejudice, discrimination, and violence visited against the Sioux by the white population of South Dakota; the Bureau of Indian Affairs' stranglehold over Sioux life; and the indifference of the rest of the American population have contributed to the growth of a genuine liberation movement among the Sioux, aimed at achieving honest, accountable governments of their own choosing, which through traditional Indian means and methods would carry out meaningful policies and programs for the people's economic welfare and, by reasserting and reclaiming a sovereignty they never gave up, would restore dignity, self-government, and hope to the long-oppressed Sioux Nation.

This Sioux movement, supported and aided by other Indians through the American Indian Movement, has been violently resisted by the American Government, through the Department of Justice and the Department of the Interior, which built up and supported the brutal and undemocratic "front" government of Richard Wilson on the Pine Ridge Reservation in South Dakota, where the liberation struggle has been most widespread and successful. Lkening the new Sioux patriots and their AIM supporters to the Black Panther movement of the blacks, and failing to see the deep and widespread cultural, religious, and political roots of the new Indian struggle as a unique national movement of all Indians for freedom, the Department of Justice, through the FBI, has waged a blind and ineffective reign of terror against the Indians, on and off the Pine Ridge reservation, using every method it employed against the Black Panthers, ranging from wiretapping and frameups to ambushes and assassinations. Such confrontations as the occupation of the vicinity of Wounded Knee in 1973,

desperate attempts by the Indians to focus world attention on their grievances and plight, have been part of a struggle in which the FBI and its instrument, the false government of Richard Wilson and his U.S. Government-financed storm troop units of "goon squads," continue to arrest, beat up, and murder many Sioux patriots.

At the root of this American Government-supported violence and intimidation against the Sioux is an unspoken, but very real, government determination not to lose control to the Indians of the increasingly valuable Indian lands and natural resources, including water, mineral, and timber rights. The American Government for a decade has spoken of "giving" self-determination to the Indian tribes, but no meaningful step has been taken in this direction, nor will it be taken as long as Indians own any land or natural resources. More and more, American industry and finance covet these resources, anxious to acquire them on their terms, and national policy dictates, through the Senate and House Interior Committees of Congress, the Office of Management and Budget, the White House itself, and the Department of the Interior, that the Government be in a controlling position to make these Indian assets available to the white private sector on terms satisfactory to the whites. Under such conditions, fraudulent governments like that of Wilson at Pine Ridge must be sustained as willing accomplices of the government and the whites, even if only to lease out Indian-owned grazing land to South Dakota white ranchers at criminally-low rates that cheat and defraud the individual Indian owners. This situation, rampant at Pine Ridge, reflects the wholesale exploitation of the Indian peoples, which still keeps them oppressed, powerless, and in the throes of poverty.

Nevertheless, despite the terror and the efforts of the Department of the Interior and the Department of Justice, as well as of Congress, to ignore the dictatorship and killings at Pine Ridge, and the continued suffering of the Sioux people under an exploiting, colonialist government, the struggle goes on, inspired by the examples of the Sioux patriots of the past who fought and died for their people. The Sioux Liberation Movement, composed of Sioux people of all ages, men and women, youths and elders, holy men and modern-day warriors, is sustained by right and justice. Blood being shed by the Sioux patriots today will not be in vain. History and the future are on their side.

THE TESTIMONY

AGNES LaMONTE

Agnes LaMonte is an elder of the Lakota, the Oglala people of Pine Ridge. Her son, Buddy LaMonte, was shot during the Wounded Knee occupation of 1973 by Federal Marshalls. She tells how she saw the events of that time:

I was raised by my grandparents. My grandfather and other old chiefs would come together and talk about the Treaty ever since I was knee high to a grasshopper. They wanted to get back the Black Hills. My grandfather passed away without seeing it done.

They would smoke the Pipe. We honor our Pipe. A lady brought the Pipe to the people so they would know the Great Spirit. When we pray we do not pray for anything that is bad. We pray for peace, love, joy, and happiness. We want peace.

My grandfather always talked about this 1868 Treaty. In Indian they say *The Treaty*, but they mean the 1868 Treaty. My grandfather said, "Someday, that's going to end. In the way the white people are leasing the land, we're leasing it to them, and someday we're going to get it back. But I don't know about these little children. They might not see that."

"And the Black Hills," he said, "that was ours, but the white people lease it, too. They want to lease that so we lease it to them. We didn't want to lease it, but one chief made a mistake."

Nowadays, the tribal councils get a big board together and make resolutions and they don't let the people know what's going on. Well, it's just like when Chief Red Cloud got with the white people and they got him drunk.

"So how did he sign his name," I asked, "if he never knew about writing or anything?" The whites claimed that he signed his name.

My grandfather said, "He said he signed his name, and so that's how we're leasing the Black Hills to them. They say they got Chief Red Cloud drunk on fire water so he signed that to them. If he hadn't done that we'd still have ours but that's what he done."

And my grandfather spoke of the Pony Claim, and I asked, "What do you mean by Pony Claim?"

"Well," he said, "you know, they took our horses away from us and we didn't have any more. This Treaty of ours and it's going to be up soon, and I don't know what's going to happen. They might take it away from you little children so when you grow up your grandchildren will know this."

That's what he told me. That's what he told us. In the long run our Sacred Pipe will help us to win our Treaty, and we honor our Pipe.

I remember a lady was talking about some drunks who were raising Cain. I said, "Never a time as far as I remember did the Indians ever fight like that. They didn't get drunk. They loved one another, even the early white settlers, they got along. Nobody got drunk, going from house to house fighting." I said, "They all loved one another. They all helped one another. They share their food with one another. They never asked

Then there was the time they shot that Marshall. I asked my son, "Can't you come home?"

He said, "I don't know."

"Well, why don't you come home one night anyhow and get cleaned up and put clean clothes on and come back?"

And he said, "No, I'll think about it."

So I went home and the next day I came again.

"Just go home and bring me some chow," he said. My son was a big eater. When I came back, why, he said, "No, mom, I cannot leave because it's not right for me to leave my sister and my little nieces and nephews. My nieces, they're girls, and why should I leave them and go home and be out there while they're in here fighting for their rights?"

"Well, at least you can come home one night?"

"No, I don't think so. I'll tell you, I'm here for one purpose," he said. "Remember that, don't forget it, and Dicky Wilson is not going to get me out of here alive. But, mom, we're going to win, so just remember and pray for us and we're going to win."

So I left.

Dick Wilson and his outfit, they were going east one morning. Oh they were going to just get them out of there. They were just going to mow them down, so they went, but they didn't make it. They couldn't do it. I don't know why they couldn't do it.

These Marshalls, this second bunch, was in there. They were FBIs. After I noticed they were all FBIs, I didn't have no faith in the FBIs anymore because they lied to me. They were there in the dorm and they had guns, and they had whiskey. Our little boys are from about six or seven years old in the school. They are really nosey. You know, these little guys would go see why those FBIs were in there. They'd sneak in and they'd say, "Mrs. LaMonte, there's some guns in there. There's some guns in there and there's some shells in there and there's some whiskey in there."

I said, "You stay out of there." They even had dogs, police dogs, the FBIs. I don't know where they put those dogs, but those were the two nights that I was off duty. I thought if I was there on duty and I saw those dogs in the dorm, I would chase them out of there. They have no business of being in there.

And that's what happened. First thing I know they all went into Wounded Knee. The day before they killed my son, my nephew, Cut Grass, came to see me. He had trouble with his wife, and he came. He was really feeling bad. Just then, one of my granddaughters was going back to Wounded Knee. They would come in and out. I don't know how they did it with all those FBIs, Marshalls, B.I.A. cops, goons, 82nd Airborne, but I don't know how they came in and out. Anyway, we made packs for them, whatever they could carry—food and clothes for my son, the three girls and my granddaughters.

My nephew asked, "Where are they going?"

"They're going back into Wounded Knee," I said. "They're taking food and stuff back in there."

My nephew said, "Well, they are girls and why should I be sitting here. I'm going with them."

So I made a pack for him. I took them over in the afternoon. I took them on the north side of Wounded Knee. They sat there and waited until dark and they went in. I prayed for them and I sang a song that people sing when the enemies are around coming for them. With that song, the enemies couldn't come even if they have three or four guns. So I sang the song for them and I thought, "Well, I will just wait."

"Do your best to get back in," I told them. Some little hungry children were in there. I left and came home.

My nephew, Cut Grass, wasn't in there very long when he came to court here. The FBI really worked on him. He wasn't in there very long. They go in though. On the way they got lost and gave the howl or whistle that let them into Wounded Knee. It's our belief, our spiritual belief, that they were being guided through into Wounded Knee. They got in Wounded Knee at dawn and they walked in front of the 82nd Airborne where they were camping, but no one was up. The Great Spirit held their eyes closed so they didn't see them. So they walked right in there.

After they distributed their food and stuff, I guess they went to bed. They slept because they had walked all night. Some time then my son got killed. Oh, the FBIs were liars. They told my two granddaughters, my daughter and my son in law and my nephew and my niece, they told them if they walk out with the body they're not going to touch them, that nothing would happen to them. And that they could take the body back to Pine Ridge village. So they got ready and walked out with a stretcher and put my son's body in the van.

When they came out, the FBIs came and they slapped handcuffs on the girls and my nephew. Instead of letting them follow the body back to Pine Ridge, they stuck them in jail. I called my grandson at Wounded Knee, told him that they threw them all in jail, put them behind bars. I got back from work. At the jail, they were all standing looking out of that cage and the welfare was going to take the baby away. My daughter went down there and took it away from them.

We got to see my son lying in a room. There were some Marshalls there. We waited for the pathologist to get there, waited and waited for day and night, the night and the next day and the next evening he got there. One of my girls said, "That guy is here now. Come on, let's go down there."



Wounded Knee cemetery, site of the mass burial of Lakotas killed in the Wounded Knee 1890 massacre by the United States cavalry, where Buddy LaMonte is buried. Photo by Melinda Rorick

So we went down in there, all down in there, and I got to see him.

I said to the pathologist, "You got to see his wound?"

He said, "yes."

"Well, tell me what kind of a bullet they used on my son."

"I cannot do that because if I do I have to tell another story."

To this day I'm after that pathologist. I walked out, and he was just going to shove the body back, but my daughter went and pushed the door open and we went in. We followed him out back upstairs and in the elevator. He wouldn't tell because he was working under the Government. He's under the Government work. He's not going to tell what happened. But after we saw the wound, we knew it was a Howard rifle. And I know where the shell is through the spiritual way. I know where it's at to this day.

And that's how my son got killed.

My son didn't do anything wrong. All the people in there they didn't do anything

wrong to anybody. They didn't shoot at anybody to kill. But all those FBIs, B.I.A. cops, Marshalls, the goons, and 82nd Airborne were there. For awhile there was a patrol, border patrol there.

Last summer some people, tourists, were at Wounded Knee while I was there visiting my son's grave. They asked me where Wounded Knee was. "Right here," I said, "This is the church that burned down. The goons burned it down because there's a lot of evidence in that church. It's full of holes. It's just like a honeycomb in there. The people were in there so they shot at them. So this is it," I said. "And down the hill you can see that house over there. It's burnt down, and that church over there, that's where the people stayed. And this, all of this hill around here was where they surrendered, a handful of people."

"My," one woman said and she cried, "how cruel they can be."

And I said, "Yes, the people are fighting for their rights. They're fighting for their Treaty. They want that Wilson to be removed from his chair, but he wouldn't do it and the Government helped him."

Wilson called D.C., called Nixon for help, told what his Marshalls and FBIs and goons were doing to the people. All that time Nixon was the headman. He knew but he didn't do nothing. They said they would help, but they never did. After we found out that the Government had Wilson by the neck, we knew that was why they didn't do nothing. Now they are trying to kill our people who were down in Wounded Knee.

I thought it over, about the first massacre in 1890. My mother was twelve years old and she was right in there. She used to tell us what happened. She said they surrendered to the Government like that, and they took all their weapons, whatever they had. When they got through then they started shooting them, little babies on up, women, men. She showed me a spot where they couldn't get one man. They just jump all over the hills after him. Just about the time that he got to the top of the hill, I don't know how many shots, but they took a lot at him. There was a marker there and somebody took it away. How well I remember that.

In that massacre, they went and they killed my mother's uncle and aunt right there. She was packing a baby, but the baby didn't get killed. They took the baby and took it to the day school in Manderson. They went to these white teachers with the baby and said, "When it's all settled down, we'll come back after the baby." About three years later they went after their nephew and the teacher's wife cried because she was well attached to that little boy. So my grandfather said, "Well, what do you think, lady, he's well attached to these white people, and he's an orphan. They give him a good home and maybe he'll have a good education, so why not let them have him?"

So they did, and his last name is Miller. He's a doctor, but I don't know if he's still living or not.

I never had given it a thought that someday this would happen here again and my son was going to be next, lying in the Wounded Knee Cemetery. Before this happened he liked to joke. They were sitting around and he said, "If anything happens to me," he said, "bury me here in Wounded Knee." And he laughed. Later on he said, "Things are getting tough, I see, so if I get killed, I don't want to bother my people so just bury me in the bunker. That's where I want to be, fighting for my people. I don't want to go out of here, out of Wounded Knee. I want to be buried right here."

So that's where we buried him. My mother's uncle and aunt are buried there from the 1890 massacre.

I told the tourists, I said, that I never thought that my son would be next, that he would be lying here. And I don't know why the Government had to shoot my son. I said to them, "He didn't do nothing. He was just walking when they shot him."

PART TWO

The Sioux Nation Before Invasion

EVERYTHING THAT BELONGS TO THE TREATY

I understand about the Bible and the
dictionary.
And Now
to this time
I understand,
It says,
the white folks always make believe,
and they always forget—
that's why the Great Spirit
gave the white folk that Bible and the dictionary,
so that they
would never forget.
To this time
why the treaty,
none of us,
none of us,
your Honor, Judge,
none of us here
are older than I am.
So I have to give my expressions
or expressions in actual conversations.
I have to give you
with my face
and everything,
that belongs to the Treaty.
You will know we should tell nothing wrong
besides.
I thank the honor
of the judge
and the prosecutors
and the witness here
in this here.
—Henry Crow Dog

ORAL HISTORY

Beatrice Medicine

Beatrice Medicine testified as to the traditions of her family. Ms. Medicine is from the Standing Rock Sioux Reservation. She has been a Visiting Professor at Dartmouth College, New Hampshire, and Visiting Professor at Stanford University. She is a professional anthropologist.

I grew up as a Lakota speaker and feel that all the oral history I know I learned through my father and his grandfather who is a signer of the 1868 Treaty.

In my training as a professional I have concentrated on Lakota culture as it has continued to the present. The very nature of the discipline, anthropology, relies on the oral statements of what we call informants.

I have become very aware of the oral traditions and the oral history of my people. The Lakota way of life is a life style that has allowed my people to maintain their integrity and their way of living as a distinct culture despite various efforts to change us.

We have what we call four cardinal virtues. For men they are bravery, honesty, generosity and fortitude. For women they are chastity, hospitality, industriousness, and generosity. The role of women is highly regarded in this male-oriented warrior society.

My information is based upon the statements of the older people who were telling us about these treaties and the Lakota life style. They say that all the treaties of the Lakota Nation were made with the utmost honesty and with the utmost faith that the Lakota people would keep those treaties. I think this is tied very strongly to the nature of the leadership and the fact that they represented the expression of the four cardinal virtues.

The Lakota had a very definite law way system in which there were a series of tests and a series of treatment for those people who transgressed from the four cardinal virtues. There was a definite system of leadership, called *naca*, which means the ultimate leaders. We had to go through the route of two leaderships and through various *Akicita* or soldier societies. It was these people who had definite control of various transgressions. For instance, if in a buffalo hunt, one hunter went out before the entire group went, this jeopardized the welfare of the whole people. The ultimate leader would send certain of the soldier societies, and they would whip the transgressor. In a dire case, such as murder, there is a statement of how it can be treated. The decision makers, the *Naca*, would apprehend the person who transgressed. All the *Tiospaya*, or extended family, of both groups would meet and the person who transgressed would then go through a ritual in which he would put his hand on the person, or kiss the person which means that he would assume the responsibility for the family of the deceased. People were not locked up. Sitting Bull said that he would never be taken and bound, *yu ska pi*.

Jails were foreign because we do not believe in isolating people from us nor making them feel guilty. The whole element of shame and guilt was foreign. The Lakota is brought up with the idea that you don't transgress and go against the four cardinal virtues, because you are going to bring shame upon your *Tiospaya*, extended family. The notion of justice is extremely different between the way I was brought up and the way I have had to learn to live in the white man society.

Based upon my studies and oral knowledge, I do not believe the Lakota Nation would give the United States the right to deal with Indian persons who were accused of committing crime in Indian territory. We have our own way of dealing with transgressors within our own society and we still have much of this in terms of social control which is operative at the present time.

Treaties between the Lakota and the United States from 1805 to 1868 were made between two sovereign nations. The "protection" terminology was interpreted by the people to mean an alliance, protection between two sovereign nations during the War of 1812. Formerly the Lakota had been allies of Great Britain.

As a child growing up, whenever the older people got together, they talked about the history that had gone before us. This is very typical of societies that do not have a written language, the bringing into the consciousness of children and adults the oral traditions that are important to us. As a child I was taught not only oral history but folklore. Every night when my grandmother or my grandfather would tell us these stories in our language we would have to remember precisely when we were asked about them. I have great faith in the oral history of my people and the transmitters of this oral history.

The Lakota were aware that there were other powers in the world besides the United States. They have words for the French and English. They viewed treaty agreements and the language of protection as a statement of external relations with other nations, and themselves as a unique national group. The law ways of our society operated so that if any transgressions occurred it was within the power of the chief and the *Akicita* to take care of it. However, if a white person came and transgressed then it was the duty of the *Akicita* to deliver him to the foreign authorities as the Treaty states.

The idea of autonomy, both as a nation, as a people representing the Lakota Nation, is implicit in the way the Sioux have viewed treaties and still do. Certainly there is no implication that the Sioux would hand over the handling of their internal affairs. There is a strong value in Lakota life which is the ideal of reciprocity and restitution for any kind of wrongdoing or transgression. Agreements on the part of the Sioux to make restitution must be seen within the traditional Sioux context.

Prior to 1868, the United States began trying to create Chiefs in order to enact treaties. Agents representing the United States would go out and entice various members of some of the bands to come to an agreement. We call these people who succumbed to the pressures, *Maka Utacipi*, or Earth Eaters. Some of these signed away lands or rights when they were unauthorized to do so. The 1865 treaties were signed by such unauthorized individuals.

Under the 1868 Treaty, Article 1, transgressors among the Sioux could either be dealt with by the Sioux or turned over to the United States.

Even in the present day, our traditional people, the elders in our tribe state that we have never violated a treaty we have made as the Lakota Nation. The 1877 Treaty which deals with the cession of the Black Hills is called the *Paha Sapa* Treaty, Black Hills Treaty, by our people. The people feel that the treaty was one designed to take away the sacred Black Hills. Those who signed it were and are regarded as traitors by my people. The signers were people who were not part of the older *naca*, those leaders designated authority. Also the three-fourths of Lakota males who were required to sign a treaty were not represented in the 1877 agreement. This is the history I grew up with.

There is some confusion about who had authority to sign treaties. It has been asked here why Sitting Bull did not sign the 1868 Treaty. Sitting Bull was a medicine

man, not one of the *naca* leaders of his band. He was a medicine man and a prophet, someone who was able to predict events, a seer in English. He was also a political leader at one time in his life when he took the band of Hunkpapa and Sihasapa into Canada after the Custer battle. Whether or not Sitting Bull accepted and recognized the 1868 Treaty as being binding and valid is not very significant in terms of Lakota social organization. He was a medicine man and was not one of the leaders who had authority.

During this period, however, there was change in some of the social control mechanisms. There were dissidents among the Sioux who were regarded as traitors. Other dissidents who did not have authority, like Crazyhorse and Sitting Bull, are regarded with esteem and respect by the Lakota people. Sioux society operates by a consensus of agreement and consensus of opinion. There is a flexible organization. *Tiospaya*, extended kin groups, had the freedom to splinter off if they did not agree with the consensus. But these *tiospaya* do not represent the band or the whole people.

Lakota Society is a warrior society. This does not mean warring to kill people, but the prestige of counting coup, to touch an adversary and leave him alive. This was not seen as an act of hostility but as an act of prestige gain. White historians tend to emphasize that a designated chief could not control his warriors. My oral history says that one of the strengths of Lakota people is a personal autonomy in decision making. If someone felt they were willing to go on an expedition, not to kill someone, but to touch them and count coup and come back with enhanced prestige they could do so. Our definition of war is quite different from the American definition of war.

Irma Bear Stops

The traditional Lakota way of life means our sacred way of living.

We are to respect one another and honor each other. Everything that we talk about, that we pass from generation to generation must be regarded in this manner so that people can have respect for one another and live in unity among each other and to help one another and to guide others.

We look upon the Earth as our Mother. You have a mother and she takes care of you since you were born. She provides for you and she sees that you are grown up in the way that you are supposed to. We are taught to respect the elders and to watch out for the older people.

The Sacred Pipe was given to us from the Great Spirit. Whatever promises are made through the Sacred Pipe are to be honored and respected. Using the Pipe to live by is really hard for people. You cannot fool the Great Spirit. The Pipe always comes in first with everything. The promises that you make are included—such as with the Treaty.

The 1868 Treaty meant that the land rightfully belongs to Mother Earth and the Great Spirit. We are supposed to live on it and take care of it so that it can provide all the things. No white man shall come into the reservation. We are supposed to govern ourselves. We are supposed to take care of our own.

We did not ask the government to come and make the Treaty with us. They asked the people, our grandfathers. They came to them and asked to make the Treaty with them. The Indians didn't sit around and wait for the government to come to them.

Oral history is the way I understand the past. It has been handed down from our grandfathers to our fathers and mothers, and it has been taught to us. We are to pass it to the younger generations so they, too, can know about our way of life.

The Treaty was made with the Sacred Pipe. Lakota people honor that Treaty. The 1868 Treaty is taught to us since we were young and the older people talk about it because that is the way of our history. In the future, when people read the writing of the 1868 Treaty, they will understand that there is a lot of difference. The government did not understand what the Indians were trying to tell the government, and it assumed that is what they wanted.

Severt Young Bear

Mr. Young Bear testified on three occasions: Official Transcripts, pp. 548-567; 573-589; 1375-1378. After being examined by the Defense Attorney, John Thorne, there followed a number of cross-examinations by the Federal attorney, Mr. Nelson, and questions by Judge Urbom.

Mr. Young Bear also served as the principal Sioux interpreter in the proceedings.

Mr. Thorne (Defense Attorney): *What kind of Native American Indian are you, Mr. Young Bear?*

Oglala Sioux.

How long have you lived at Porcupine, South Dakota?

All my life.

And how old are you?

Forty.

You understand we have been using the term, "traditional Indian." What does that term mean?

It means the people that retained a traditional way of life, our culture, our songs, our religion, anything that has to do with our way of life; that is my understanding.

Live by the Sioux way of life, in other words?

Yes.

And in the course of living in the Sioux way of life, is there a tradition of oral history?

Yes, there is.

Are there also songs that are part of the traditional way of life?

Yes.

Are the songs themselves involved in oral history?

Yes.

Can you tell us how songs are involved?

There are different types of songs that the Sioux people have. We call them traditional songs. Now in our modern times, we have a different kind of a song; we call them pow-wow songs.

But traditional songs tell a story when you sing. For instance, the Warrior Society have their different types of songs. The Fox Society that was mentioned here, has different types of songs, and the Elk Clan or Elk Society, they have different types.

And even with the traditional way, the Indian people respect that each other's nations or tribes are different. They're different.

Their songs we respect; there are certain songs that when we go visit another tribe at their Indian pow-wow or gathering, they sing their songs, and we don't sing those

because that's their songs, and Sioux have many songs like that.

In these traditional songs, do they at times tell stories about past history?

Yes, with the Warrior or the Fox Society, and there are some songs that tell the story about a warrior going on a raiding party, or the warrior that knocked his enemy off the horse while he was galloping the other way. There is some strong meaning in those songs. A lot of warriors sing them to themselves or early in the morning they get up and they sing those songs.

I can recall when my grandfather's singing, they would call him *Pokhala*, that means the Fox Society songs.

And they more or less stayed within the warrior, himself because if he started singing those songs, and if he sang it in a gathering like this, one of them might be a different tribe, and that song will hurt his feelings. There might be trouble.

Were any of your ancestors involved in the signing of the 1868 Treaty?

Not that I can recall.

Do you have any oral history concerning the 1868 Treaty?

Yes.

From whom have you obtained that oral history?

From my father and my grandfather and from various meetings that I attended with the traditional people. Ever since I was in my younger days, I always attended traditional meetings. Sometimes I sat there for six hours and I was probably the only young person that was within that meeting because they was mostly all old traditional people at that meeting, and it took patience to sit there listening to that oral history.

Now when you took the oath before testifying here just now, you took the oath upon the Pipe?

Yes.

The Pipe has meaning in traditional Sioux life. Is that correct?

Yes.

What is the meaning of the Pipe, and taking of the oath of the Pipe?

It means, it puts a bond on the person, like myself. If I put my hand on that Pipe or if I prayed with that Pipe, whatever I say in those prayers is a bond on me that I have to live up to those words. A lot of times there's a meeting where they prayed with a Peace Pipe, there's never a minutes or a contract signed, but the word of mouth and shaking of hand that seals that as a document of a treaty or of a meeting.

It means you live up to your word and you tell the truth and live honestly?

Yes.

As you have heard, the oral history of the treaty, have you also studied the 1868 Treaty?

Yes, I have.

You are familiar with the Treaty itself?

Yes.

And you have heard the oral history about the Treaty?

Yes.

Can you tell me what the oral history is that you have been taught concerning the

understanding that the signers of the Treaty had; the Indians who signed the Treaty, how did they interpret that Treaty with regard to the land—the Indian land that was set forth in the Treaty?

That is not really what was taught to me, but what I learned from my elders.

From the oral history?

Yes, that this Treaty was made with a Nation, the United States Government and the Sioux Nation, and from the oral history—from the people, like where I live, they talked that the Sioux Nation never sat there with their hands out and said we want peace and friendship; it was the government that came to us and asked for peace and friendship.

You mean the United States Government?

Yes, the United States Government, and they made this Treaty with the government, but from the oral history that I learned, is that the Sioux people never gave up anything as far as their land, their sovereignty, or as a people, or even our culture, because what we have as Indian people in our culture, songs, and our traditional way, it's still present even though with all the tradition we have to live through, up to the present time.

Now, according to that oral history, and as I ask this question, you understand that I'm asking you of the oral history as to how the Indians who signed the 1868 Treaty interpreted that treaty, and all my questions will be based upon that, and I want your answer based upon the oral history. Do you understand that?

Yes.

What does that history tell you with regard to the rights of any outsiders, in other words, people who are not Sioux, in terms of their right to come on the land?

That this land was our sovereign Nation, that any outside people, that any outside people we're talking about, the white men, there were some agreements made between the government and the Sioux Nation, and they were supposed to keep their people out, and we maintain our way of life within this.

When you say they were supposed to keep their people out, the United States was to keep its people out of your land; is that correct?

Yes.

Now, in the Treaty there is language that speaks of, "If bad men among the whites," now under the Treaty in your oral history, was it understood that white people could come on to the Indian land if you allowed them? If the Indian people allowed them to come?

Yes.

Now, let's assume a white person or a citizen of the United States was allowed on, and again these questions are all directed based upon the oral history as the signers understood the treaty. Assume that that white person does a bad thing to an Indian or someone on Indian country. What does your oral history tell you the Sioux agreed in that treaty to do at that time?

From the oral history that I understand, was that the government people was supposed to control these people within—even though they were authorized by the United States Government to come in and be accepted by our people, like the agents, fur traders. When they committed a crime or harm against a tribal member, it was the government's responsibility to punish him.

You would turn that person over to the United States Government?

Yes.

That was what was understood; is that correct?

Yes.

Now the Treaty also speaks in the same article about "If bad men among the Indians," meaning if there was a member of the Sioux who harmed somebody, who was on the reservation with permission, or who harmed somebody, it speaks of the Sioux agreeing that they would turn that person over to the United States Government, the Indian, and if they refused, then the person harmed was going to get some money, and that money would be deducted from the money the government was to pay the Sioux. What does your oral history tell you about the meaning of that language in the treaty, if it tells you anything at all?

From my understanding of the oral history on this part, is that if there's any harm done by an Indian, it was up to our chiefs, or the band itself, to give up that warrior to the United States Government.

But one thing we've got to understand is we are different bands, we have different chiefs, different warriors, and if one of the brave warrior commits a crime and it's up to the chief to give him up, and if he doesn't want to do it then the rest of the chiefs cannot make him give up that individual because maybe that's one of his brave warriors, outstanding fighter, or brave, within the band.

That's why my understanding is that damages could be paid by money.

Then if I understand you, you're saying it was the decision to be made by the Indians to either give up the Indian to the United States, or they didn't have to, they could keep him; is that correct?

Yes, they didn't have to. . . .

At the time the 1868 Treaty was signed, there was or was not a written language that the Sioux people had? In other words, did you have a written language then?

No.

There was no copy of the Treaty written in Lakota?

Not that I know of.

It was written in English; is that correct?

Yes.

Now, this treaty reads, after describing the boundaries, "And the same is set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them; and the United States now solemnly agrees that no persons except those herein designated and authorized so to do, and except such officers, agents, and employees of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article." In that section it talks about people being authorized to come on to Indian land. What does your oral history tell you about who gives that authorization?

The Sioux Nation.

The Sioux Nation?

Yes.

In other words, it is the requirement of an authorization by the Sioux?

Yes.

And then with regard to friendly Indian tribes, it speaks of also the consent of the United States being required. What does your oral history tell you about that? Does it need just the consent of the United States, or the consent of the Sioux and the United States, or what?

The consent of the Sioux Nation first, and if the Government was willing to go along with it, well it was my understanding that any decision made within this Indian land or Sioux Nation was really up to the Sioux Nation. . . .

There is a final section I would like to ask you about. That is the section in Article 12, and it says, "No treaty for the cession of any portion or part of the reservation herein described which may be held in common shall be of any validity or force as against the said Indians, unless executed and signed by at least three-fourths of all the adult male Indians, occupying or interested in the same." What does your oral history tell you about that section of the treaty?

My understanding on that is that the land within the designated area mentioned in treaties belongs to the Sioux Nation. It belongs to us as Sioux Nation. That they can't force anything on us, or change any part of the treaty, or make another treaty unless they have the three-fourths vote of the male adults of the Sioux Nation.

This article in the English language speaks of a treaty for the cession of land. As you have just related it, in the oral history understanding, it required a three-fourths vote of all adult male Indians to do any changes under the Treaty. Is that correct?

Yes.

In other words, the understanding at the time was that it wasn't just three-fourths for the cession of land, but was three-fourths for anything?

Anything, yes.

Mr. Nelson, for the United States, Cross Examination: Mr. Youngbear, I will also read a portion from the 1868 Treaty, as follows: "It is hereby expressly understood and agreed by and between the respective parties to this treaty that the execution of this treaty and its ratification by the United States Senate shall have the effect, and shall be construed as abrogating and annulling all treaties and agreements heretofore entered into between the respective parties hereto, so far as such treaties and agreements obligate the United States to furnish and provide money, clothing, or other articles of property to such Indians and bands of Indians as become parties to this treaty, but no further." Would you please relate what your understanding from the oral history is of the meaning and significance of that language, and particularly the past part which says, "But no further?"

To my understanding it means that we can make any changes with the United States Government as a Nation if we want to make any changes as far as rations, clothing, and then as far as the land and our way of life within that land, it belongs to us. It requires a three-quarters vote to make any changes.

What's your understanding of the oral history insofar as whether or not this language I have just read to you keeps in effect prior treaties between the Sioux and the United States?

My understanding was that from the oral history I received from the traditional people in every meeting that I went to, everything was the final treaty, and the only treaty that the Sioux people recognize was the 1868.

So that language that says it annuls prior treaties insofar as they concern provisions for money, clothing, and other articles of property, but no further, has no meaning or significance at all?

Sure it does as far as our way of life and the land. It means that any changes within that Treaty and any further negotiations with the Sioux Nation requires a three-fourths vote of the People, and as far as the clothing and other things, people never did talk about that. Very few people said they were not living up to part of it because we were getting stale bacon and rotten beans. What their main concern was, the land and our way of life within that land.

From my understanding, the oral history is that the Treaty that they signed, that the Sioux Nation acted as a sovereign Nation. And that the land was ours, everything within the land was our way of life and this land, this is the biggest issue. The only topic that I heard people say was "our land." They never did mention that they owned it jointly with somebody else.

Later on some of the elderly talked about what happened to the Black Hills, that they were taken without the three-fourths vote.

Was there any reference in the oral history that you are familiar with, to treaties between the Sioux and the United States prior to 1868? Do you know any oral history concerning treaties in 1865?

There is one instance where I heard from the oral history, that they mention the 1865 treaty. The government signed the treaty with some chiefs. The bands met with them on the river somewhere around Fort Pierre. They had a meeting there and they didn't have enough representatives of the Sioux bands. They made some agreements on this and they went back to Washington, revised it, the treaty, and they came back again to the same point, and they sent out to bring in the chiefs here.

When they came back, the chiefs they expected were not there at that meeting, so the government got sore and appointed some chiefs, "Hey, Chief, come here, you look like you make a good chief," so they signed some documents and according to my oral history they were politically appointed chiefs.

Later on, after they were appointed as chiefs, whether they signed or not, they met again during the springtime on the southwest side of the Black Hills. Some of these appointed political chiefs went to that meeting, and the chiefs of the Sioux said, "Well, who are you?"

And they said, "We are chiefs because we were appointed chiefs by the United States Government."

So one of the chiefs that earned to be called a chief, stood up and said, "How do you earn to be a chief? Did you go on a raiding party and steal a horse, or did you touch enemy by hand? This kind of appointment you earn by bravery in battle of facing the enemy or touching the enemy or killing the enemy." This broke up that meeting, and that is what I pick up in oral history. . . . (Recess)

Mr. Thorne, Defense, Redirect Examination: Mr. Young Bear, in the testimony we had yesterday, and in line with some of the questions that you answered, I want to raise the question of the term, "fight to death." Is that term related to the Crow-Sioux relationship?

My understanding of oral history is that fighting to death is not really an idea of wiping

out a whole tribe. Usually a warrior that pledges that he will go on a certain war party or raiding party to prove that they are trained as an independent warrior into manhood as early an age as 6 or 8 years old. When he pledges that he will go and do certain things, and he makes that vow. He will say "I will go and face the enemy and touch him or get into a fight with him," and whoever wins will win.

What they mean by fight to death is that when you make a pledge you will face the enemy, whether he takes your life or whether you take his life, that you will not run from him. When this is done they tie a rawhide around his waist with a stake which is usually about 10 or 12 feet. With that, once you face the enemy, the warrior drives that stake into the ground, and that prevents him from running. That is what we call in our traditional way, the fight until death.

And do I understand you to say that doesn't necessarily mean a person will be killed? It is a way of describing a particular act of proof of one's bravery, and it doesn't necessarily mean that someone will be killed? Is that right?

Yes.

Mr. Nelson, Federal Attorney, Recross Examination: *I believe Mr. Thorne mentioned the dealings between the Sioux and the Crow. What is your understanding of the oral history as to whether or not there were wars or battles between the Sioux and the Crow?*

Yes, there were some . . .

Mr. Thorne, Defense, Redirect Examination: *In this regard, Mr. Young Bear, I know when you use the word war you are using a word common to the white people, but if you can translate that into the same kind of understanding as the Sioux understands the word war. Were these battles or wars between tribes wars of conquest or were they a more man-to-man relationship?*

Man-to-man, a battle.

It's a man-to-man battle, is that it?

Or a small band against another, a war party against another war party.

Let me ask you this: You have talked about touching the enemy, does the act of one man touching the enemy have any special meaning?

Yes, that is one of the biggest acts of bravery—riding up or running up and touching the enemy. . . .

Judge Urbom: *Why is touching the enemy considered an act of bravery?*

Because when you go into battle with another tribe on a man-to-man basis you either take his knife or he takes yours, or he will knock you off your horse or it's an idea of proving how brave a person may be.

Was there, as you understand it, a general purpose in those confrontations of meeting the enemy either individually or as small groups, or band would meet the enemy. Was there the general idea that there would be a killing of the enemy or at least an overcoming of the enemy physically, either involving death or in injury or physically subduing? Is that always involved or generally involved?

Not all the time. Sometimes there is a kind of a stand-off, and finally two or three or four days they get worn out.

But was touching the enemy then a matter of bravery essentially because it was

anticipated that if one tried to touch another there would at least be danger of death. Is that true?

Yes.

Who was considered, if you can make any description of it, an enemy?

It really means like there are two parties going and they will meet each other and something might happen and then they start fighting each other over territory or herd of buffalo.

It could be a condition which existed before the two parties saw each other or it could be something which occurred when the two parties saw each other, is that true?

Yes.

And were these encounters characterized by the use of some kind of particular weapon or were the kinds of weapons varied?

It varied like some warrior society you accomplish so many acts of bravery and then your final test they will give you a staff. It is something like a long cane, what you call a shepherd's cane. It means that this is more or less like a final act of bravery. They give you the staff to meet a greeting party. In order to prove that you are brave enough to do that, no matter what kind of weapon that your opponent has, you knock him over or push him off the horse with this staff. There is no way to harm that person.

Was the Warrior Society or portion of the Sioux society called the Warriors a particular group of people who had met these basic qualifications or were they people who were in the process of meeting the qualifications?

No, they were already some people.

Do I gather then that beginning at an early age there was a training period that all of the young men went through?

All of them.

And was the goal for all young men to enter into this warrior group, and from there to move into other positions of leadership, or were there some that were not expected to go into the warrior group at all?

There are some that never meet the qualifications and they are those who are not brave enough to go on raiding parties or travel with other groups, then they were used around the camp areas.

Once a person had met the qualifications and became a member of the Warrior group, what were his duties other than going on a raiding party?

Hunting to provide food for his family plus the rest of the people that live together in that band.

Was that the group also that could be called the equivalent of police force?

No, there is a different society for that, and this pertains with the village itself.

You mean there was another group that protected the village itself?

Yes, they may be part of the Warrior Society but as far as the discipline or the control of the village, they were under the elderly, which is a more or less advisory type of elderly and a chief. They were enforcing the laws of the band.

An internal security group?

Yes.

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An internal security group?

Yes.

That is they were enforcing the rules and laws of the Indian society as to the Indians in that particular village?

Yes.

By whom were the chiefs selected?

Usually by an elderly person, people of that same organization.

Well, was there a vote of some kind?

Inherited.

By inherited, do you mean by that, when a chief would die one of his sons automatically would become chief, or do you mean that he selected someone before his death?

It usually is that he appoints or selects one of his sons, usually the oldest, or else it will be someone in the family.

Is it correct then that typically the chief would select his successor usually from his family?

Yes.

And would there be some group or persons who would either confirm that or disagree with it, or was there some other group that had something to say about whether this other person would become the chief?

Usually, it would be the elderly of the village where they themselves were the raiding parties, and they might be in some ceremonies or rituals, and they would give advice to the chief if his son could qualify.

Mr. Thorne, Defense, Further Reredirect Examination: *You have indicated in answering some of his Honor's questions that this battle that might come, using that term in applying the meaning of what battle means to the Sioux, this confrontation could be over territory or an incident between people. Were there areas that were defined as the area of the Sioux Nation and the area of the Crow, and when one encroached on the other there would be a dispute over territory? In other words, if the Crow came into Sioux country would the Sioux try to move them out?*

My understanding of oral history is that the Sioux guarded the Black Hills at all cost. At all cost?

That land is sacred. Any other tribe, you mention Crow, if they try to come in and hunt or camp within the Black Hills area, they were pushed out . . .

You talked also about the touching of the enemy where you physically touched a person, was that an act that required great skill?

Yes. You have to be a brave and skillful as a warrior.

I may not be pronouncing this correctly, but was there a society, or is there a society in traditional Sioux ways of government known as the Akicita Society?

Yes. That is the one I mentioned to the Judge. They are the enforcer of the law of the village or the band, and they have internal control of the village or of the band. . . .

Would this Akicita Society, the ones that police the village, be like a police department in white man's terms—taking care of a city?

Not really. They only act when the order is given by the elders, the council of Elders, or the Chief. . . .

Were there attempts on the part of Indian Nations to turn members of other tribes into their own tribes, thus a Sioux trying to turn a Crow into a Sioux, to get the Crow person to join the Sioux?

There was one time when during a forced march of the Cheyenne to Oklahoma, a few hundred came back. They were weak and they were hungry and they were on their way back so the Sioux took them in. That's how our relationship with the Cheyennes started. The Arapahos the same way.

Mr. Nelson, Federal Attorney, Rerecross Examination: *With regard to other tribes, were they ever captured? Was there any practice of capturing of such people and using them as servants or slaves?*

No. There is no traditional ways. Either the enemy goes back to the tribes or he fights to death in a man-to-man battle.

As you understand it then there is no history of instances of taking such persons and holding them in a slave-like situation?

No. We have no such traditions.

Now with regard to the Akicita, isn't it true that society's basic function was to police the hunt or when the band or village was on the move? Is that a correct understanding of their role?

Yes. They were the protectors. That is what it means—Akicita, the Warrior Society.

Now with regard to relations with other tribes, and possible assimilation I guess would be the word, of people from one tribe to another tribe—is it not true that there was a practice of taking women and children from other tribes and making them Sioux?

Once there is a battle, like sometimes where a pledge is made where the whole family will go and avenge the woman's brother's death—sometimes the whole family is involved. But in our traditional ways if there is a woman involved they will respect her and they didn't take the women and children. Sometimes they were brought back and became part of the village . . .

If there were surviving women and children after the battle from another tribe would they be taken and adopted as part of the Sioux people?

Yes.

John Thorne, Defense, Reredirect Examination: *Mr. Young Bear, do you know whether or not the Sioux attempted to convert other members of other Indian tribes to the Sioux way of life?*

No, because we respect each other's traditional ways. There was never a time in my oral history where there was ever an attempt to convert anybody to the Sioux because it was up to the individual himself; and in oral history a lot of times they respected each other.

Did the Sioux have, and here we are using a white term, missionaries? In other words, persons that would go in among other tribes not for battle, but would go into other tribes and try to explain the Sioux way of life to them and to many other kinds of persons? Did they have people that did that kind of thing, or do you know?

No. I heard some history on missionaries but they were there to convert the Indians from savage—they wanted to civilize them.

All right. But did it work the other way? Did the Sioux at times have people that would

go talk to others and try to explain the Sioux way of life?

No. . . .

Mr. Thorne, Direct Examination: *Will you give us your oral history as you have had it, as you have told us before, in terms of the understanding of the Lakota people concerning both the Department of Interior and the War Department as these departments dealt with the Lakota people?*

My understanding of the oral history from my father and from my grandfather is that there's a distinction between the War Department and Interior. At that time they didn't recognize the Interior Department.

You mean at that time, back in the early 1800s and through the 1860s?

Yes. "Tankacilapi and his helpers" is how they called the Interior Department or President of the United States, and they recognized the War Department as a soldier with long knife.

That came from the carrying of the swords, is that right?

Yes. The advice that my elders gave me was that there is always a war plan and a peace plan, that kind of rolls over the Sioux people. When they sent in delegations representing the Father and his helpers, they are talking about peace. They are talking about peace in the Interior and at the same time the War Department's in the back door trying to create a fight or disturbance with the Indian people. That is what my grandfolks told me—that there are a lot of rich white men or politicians involved where there was gold in the Black Hills, our sacred Black Hills. That is why they pushed the War Department into creating a disturbance or fight with the Sioux people.

As Matthew King mentioned, if you review the written history and also our oral history of the Sioux people, there is always a peace plan, a peace plan and a war plan.

Both being used by the government at the same time?

Yes.

Alex Chasing Hawk

Testimony in Lakota and interpreted by Severt Young Bear.

I am sixty-five years old. I grew up hearing my grandfather talk about the 1868 Treaty. My understanding is that when the Treaty was made between the Sioux Nation and the United States, both nations would lay down their arms. My understanding concerning the Sioux Nation is that what we know as Sioux territory now is that any ceding of land required three-fourths of the male adult vote.

My understanding of the history is that under the Treaty the people will govern themselves under the leadership of our Chiefs. Our law and order will be maintained by the Sioux people. I understand that during and after the signing of the 1868 Treaty the Sioux people have honored their promises that were made in the Treaty but that the United States government many times violated their own promises and have even made war against the Sioux Nation. General Custer was wiped out by the Sioux people when he attacked, so in revenge of this the United States government massacred Indian people at Wounded Knee in 1890.

My understanding of the oral history is after the signing of the Treaty that the land mentioned in our Treaty belonged to the Sioux Nation as undisturbed use of the Sioux people. But after the 1868 Treaty, the United States government had forced

some Acts on the people such as opening our land and invasion of white people.

Regarding ownership of individual tracts of land by Indian people for agriculture, there was a promise on behalf of the United States government that the family or the head of the family was supposed to be allotted 320 acres which he will farm and whatever he grows on that land will be used for the family. Another promise is that some form of implements such as plows, horses, oxes, were promised to the families.

Evelyn Gabe

Mrs. Gabe works for the Indian Public Health Service. She has also taught for the past two years at Standing Rock Community College in Indian Studies, developing curriculum for the Standing Rock Reservation.

Pazetho John Grass was one of the signers of the 1868 Treaty and was my great-uncle. I have learned history from my father, Francis Bull Head. He was a councilman for many years. I learned from my uncle, Eugene Young Hawk, who was a tribal council member for twenty-seven terms and was Tribal Chairman for the Standing Rock Sioux for two terms. I have also learned from my brother, Xavier Bull Head, who is very well educated in our Indian way of knowing these treaties and anything else that pertains to our welfare.

The oral history of the Treaty of 1868 as I have learned from my elders and from my relatives all pertains to a beautiful word in our language, *Wohlakota*, which means peace, peace between the two nations, two sovereign nations, *Milahanskan*, which means the United States and the sovereign Sioux Nation of our Lakota people.

I come from four bands, though I grew up in the Hunkpapa country where I was born and raised. According to our oral history as it has been told to me by my parents, grandparents, and by the holy men and wise men that I have talked to, our origin from the beginning of time goes way back thousands of years.

In our beginning, our seven men were created and came from the constellations in the skies, the seven stars of the dipper. Seven women were created from *Minnewiconi*, the water of life. Where our history is concerned we refer to it with a deep meaning, like the water of life, and the blessing cup which is the Big Dipper and the seven stars that shine.

My father and holy men that I have talked to have often told me to remember this oral history because it is very sacred to us. It assured our future and our way of life would continue in years to come. For this reason, in the major treaties that have been made, they referred to the beginning of time. The treaties that have been made, we believe, were made from the beginning of time to the end. That is how sacred they held their treaties, and our people have lived up to them.

We feel that certain articles of these treaties have been violated. We were never to take up arms again and our boys were forced to. No more lands were to be taken away from our people, yet treaty after treaty and Act after Act after the 1868 Treaty has violated the Treaty because later ones never were endorsed by the three-fourths male members of our Sioux Nation.

We have a tribal system of government as one nation to another equally level with the long knife soldiers' form of government. According to the 1868 Treaty our people have never taken a white man to court in our system of government because we respect and honor our Treaty. Likewise, I think that the United States government should honor their Treaty and not take our boys to their courts. Our tribal system of government, our leaders, Chiefs, and our headmen are to govern.

Our way of life is to enjoy our system of government that we have had from the