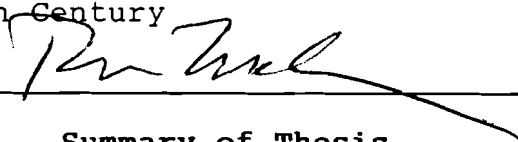


AN ABSTRACT OF THE THESIS OF

Joseph Kelley for the Master of Arts in American History presented on 17 December 1993.

Title: Directing the Lakota: The Causes and Methods of Control on Lakota Reservations During the Late Nineteenth and Early Twentieth Century

Abstract approved: 

Summary of Thesis

Policies implemented by the United States on Lakota reservations during the late nineteenth and early twentieth century generally failed. The causes of failure are manifold. The prevailing attitude of the dominant Euro-American society led to the policies adopted by the federal government. Lakota police and judges, which originated in that time period, became tools to implement the policies decided upon by the American government. These policies constituted coerced assimilation.

Euro-American culture dominated United States society during the late nineteenth and early twentieth century. The sphere of domination included setting forth policy for Native Americans. Religious dogmatism and ethnocentrism created an Indian policy which greatly suppressed native cultures. The anthropological community, the military, and the Bureau of Indian affairs promoted cultural annihilation in the name of assimilation.

The Lakota police forces represented the efforts of coerced assimilation by halting traditional practices which were considered heathenistic, savage, or barbaric. They forced Euro-American values, such as school attendance and sedentary living, on their fellow Lakota. The specific police men often joined the force to try and help their people. Instead, as instruments for coerced assimilation, they created further tensions and conflict.

The Lakota judges, too, forced United States assimilation policies on their people. The Lakota magistrates levied fines and jail terms for offenses such as practicing traditional religion or neglecting farm work. Like the police, the Lakota judges only heightened the tensions they were created to relieve.

Euro-American ideology of the era created the policy of coerced assimilation of which the police and courts became a part. However, coerced assimilation only led to greater conflict and misunderstanding between Euro-America and the Lakota.

Directing the Lakota:

The Causes and Methods of Control on Lakota Reservations
During the Late Nineteenth and Early Twentieth Century

A Thesis

Presented to

The Division of Social Sciences

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In Partial Fulfillment


of the Requirements for the Degree

Master of Arts

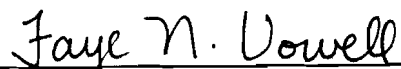
by

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December 1993

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Approved for the Major Division

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Approved for the Graduate Council

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Introduction

Researching the use of native police forces and courts among the Lakota requires a good deal of probing into the majority ideology of the period. The late nineteenth and early twentieth century historian must realize the different perspectives expressed by the dominant Euro-American culture of that era, compared to that of the contemporary United States. Ideas like cultural pluralism received no attention during the early years of experimentation with law and order among the Lakota. Most Indian policy makers and contributors saw the Euro-American culture as a blessing to be given the Lakota. Also, while exploring attitudes of the United States government, scientific communities, military authorities, and others, it became clear that all Indian nations looked the same to their Euro-American oppressors. Therefore, all Native Americans needed to be assimilated into the dominant white culture.

Sadly, little recorded evidence established the Lakota point of view. It is possible to find statements given by a few Lakota, but generally the evidence stemmed from government reports, scientific journals, or other white dominated sources. Such material meant that the research largely details the prevailing attitude of the era's Euro-American population toward Native American peoples. Primary source material included Indian Bureau annual reports, reports of the Bureau of American Ethnology, military officers' reports and memoirs, and available records from the various Lakota reservations.

The Lakota proved to be a perfect example of the tremendous cultural clash which took place in the early reservation years. They came from a hunting tradition with a stable and well formed culture in which they seemed quite comfortable. The Plains tribes generally spent much time practicing their religious beliefs. The American government suppressed such practices as the death "give-a-way" and the traditional Sun-dance and attempted to enforce the Christian religion. However, in doing so, instead of helping the Lakota to an improved station in life, they placed them in a confusing and uncertain new culture which the Lakota neither understood nor accepted.

The United States government also saw education as a means of assimilation. And again, it enforced the system in a way foreign to the traditional culture of the Lakota. Forced school attendance along with corporeal punishment in schools held no place in the Lakota past. Thus, by using a method of schooling determined upon by the Indian Bureau, more conflict arose.

And, of course, the hunting life represented to the Euro-American majority a lack of industriousness. At the time, few white Americans viewed the Lakotas' tendency to roam as a cultural alternative. It was a bad habit to be broken. Thus, with the Lakota, the United States policy urged a subsistence from agriculture, with a few slightly wiser souls encouraging ranching. However, even farmers with long traditions of family farming often failed

in the Dakota region. Few Lakota farmers saw success.

The Indian police and the Court of Indian Offenses, viewed in chapters two and three, suppressed the traditional lifestyle of the Lakota and forced the Indian Bureau's acculturation philosophies. The reservation agents controlled the police and courts. Duties of the police and courts included stopping traditional dances and ceremonies, arresting the people involved, and charging fines or issuing penalties. These chores given the law men and magistrates amounted to cultural suppression.

The Indian police forces received approval in 1878 and the tribal courts in 1883. The Lakota reservations immediately used a police force. The reservation agents though often waited years to establish courts. A number of reasons are given for this delay in chapter three. This research is concerned with the first generation of police and courts. The majority of the material used for police comes from the years 1880 to 1900. The chapter on courts, however, includes some material as late as 1910. Indian reformers of the 1930's and later lumped together the period from 1880 to John Collier's Indian Reorganization Act of 1934. This work is limited to roughly the first twenty years of the police and courts among the Lakota. The first generation of the courts and police presents sufficient evidence concerning their purpose and efficiency.

This essay cannot be completed without the views of the Euro-American public toward the Indian nations.

Generally, white America viewed all Native Americans alike. To understand the era then, it is crucial to study prevailing attitudes. Chapter one highlights viewpoints from the scientific community, military officials, and the government agency closest to the American Indian, the Bureau of Indian Affairs. The Euro-American attitudes given in chapter one are a necessary preliminary to the following chapters. Such attitudes resulted in the systematic attempt to destroy an entire way of life.

Chapter two points out specific tasks which the police performed. In doing so, the chapter attempts to depict the police as an oppressor of the Lakota. The chapter also includes some views on how police duties actually destroyed the former Lakota way. But also, in chapter two, the men who became law officers are viewed. When studying the Lakota police men, it became clear that they often followed orders because they saw no other way to help their people. Many knew of the white man's eastern lands and the people and power they possessed. In this sense, no Lakota law man became a traitor to his nation. They were, however, accused of such.

Chapter three, on Lakota courts, unfortunately lacks the insight of individual Lakotas of the period. Particular judges offered little insight or material at all for that matter. Decisions came in the end from the reservation agent. Agents often reported that they rarely needed to change the Lakota judges' sentences. However, the Lakota

magistrates possessed the intelligence to comprehend that certain crimes belonged in certain categories to their white agent. The agents' influence over the judges grossly misrepresented the judicial system of the United States.

And to close out the study, the New Deal policies of John Collier and the Indian Reorganization Act of 1934 are briefly discussed. Along with the brief discussion of Collier is a historiographical view from several western historians concerning late nineteenth and early twentieth century Indian policy. Collier and associates saw the past Indian policy as oppressive and unwise. Most western writers since the 1930's agreed with Collier. The various opinions given in the final chapter reinforce the paper's point of view.

All in all, Indian policy throughout United States history failed. The United States government's plans to educate Indian children often, and specifically with the Lakota, created conflict and confusion, even when parents willingly allowed their offspring to attend. Teachers used means for discipline and teaching which Lakota children found strange. Further, the Indian Bureau attempted to create a farming community out of a hunting society. Doing so created considerable tension and failed too, because the land in no way suited commercial, or subsistence, farming. Ranching held better prospects, yet proved a failure, at least in part, due to the hunger and poverty on the reservations. The Lakota ate their cattle instead

of breeding and selling them. And the American government, using police, courts, and other means of control, suppressed the traditional ceremonial life of the Western Sioux.

To lay out the facts, and more importantly, the perceptions of the period is crucial to this essay. The prevailing views of Euro-Americans led the nation righteously into the Indian policy of the late nineteenth century. Liberal and conservative ideology rarely clashed concerning the need to boil the American Indian in the great "melting pot." The views discussed in chapter one led to the American government's installation of police and courts on the various Lakota reserves. The police and courts then became tools for coerced assimilation. It is clear that the era with which this work deals pressed for Lakota conformity with Euro-American society.

Yet discussing the entire white population and its desire to melt the Native American into the ideal Euro-American is too simple. Past and present historians often view the conflict as two sided. Or, if extremely wise, the historian may break the conflict into progressive and conservative on the Native American side, and liberal and conservative on the side of Euro-America. Still, that is too easy. The purpose of this work is to view the era's Euro-American society, its prevailing, but not exclusive, world-view, and how that view effected Lakota/white relations. The fact that emerges is that the cultural clash created tremendous confusion. And, most importantly,

the coerced assimilation practiced by the United States government on the Lakota left far more questions than answers.

Chapter One

"A Code of Laws"

The Prevailing Ideology of the Late Nineteenth
and Early Twentieth Century

Late nineteenth century expansion brought white settlers into increasing contact with western Indians. The United States firmly and proudly advocated expansion in the name of Manifest Destiny. A good deal of violence followed in the wake of western settlement. Indian hunting lands lost valuable game to settlers, adventurers, and the railroad. Conflict inevitably arose when the semi-nomadic Indians of the Plains and the sedentary American settler became close neighbors.

Before settlement became as extensive, the United States government possessed the ability to limit Indian/white contact. Moving Native Americans west to undesirable lands kept the contact and conflict at a minimum. However, as the westward expansion continued, policy makers realized changes must occur. A number of philosophies espoused potential solutions for the newly arising problems. The budding ethnological and anthropological communities, the military authorities, and the individuals constituting the Bureau of Indian Affairs contributed new theories and practices which would, as they saw it, solve the ever present "Indian problem."

Two respected leaders of the late nineteenth century anthropological community clearly represent the prevailing scientific ideology of the era. Lewis Henry Morgan, who defined the stages of man theory (commonly referred to as cultural evolution), and John Wesley Powell, founder of the Bureau of American Ethnology, pursued the study

of "primitive" man with whole-hearted dedication to cultural evolution.

Cultural evolution ideology placed all of mankind within the same scientific paradigm. The theory held that all mankind experienced similar development. The stages broadly consisted of savagery, the lowest, to barbarism, and the highest cultural attainment, civilization. Varieties and stages within stages appeared also, yet within a reasonable limit all men, according to the cultural evolutionists, passed through similar stages of society. Euro-Americans established the white race as the best example of the highest cultural state. The American Indian, according to the cultural evolutionist, remained in a lower stage. But Powell, Morgan, and others proposed that lower stage peoples with enlightened encouragement and example could advance more quickly than unimpeded evolution allowed.¹ Hence, the ethnological community encouraged assimilation as dogmatically as the federal government.

Powell wrote numerous introductions in early Bureau of Ethnology reports (the title Bureau of American Ethnology came later) which clearly expressed his ideas. For example, Powell promoted the study of Indian languages because through those studies "laws of linguistic growth anterior to the writing stage may be discovered."² And furthermore, by studying tribal language - the tribal organization being considered on a lower cultural level than national organization - together with national dialects, it became

possible to discover the universal laws of linguistic growth.³ With this theory firmly implanted, Powell, Morgan and others researched the American Indian cultures hoping and believing it likely to discover the prehistoric past of all mankind.⁴

Cultural advance proved uniform throughout all mankind to Powell's mind. When Powell spoke of Lewis Henry Morgan's work, "Houses and House-life of the American Aborigines," it was in an evolutionary sense. Morgan's work, Powell accessed, portrayed the condition of mankind in two "ethnic" stages, the older and the intermediate phase "of barbarism."⁵ The essay's value, Powell asserted, lay in its depiction of a cultural period which shed light on a stage that all mankind went through.⁶ Powell surmised such a connection because of the "ascertained laws" of cultural advance.⁷

Ascertained laws, however, did not suggest a uniform time period which cultures needed for advancement. Powell patriotically described Euro-American occupancy in the western United States as a sign that "savagery and barbarism have no room for their existence."⁸ And more importantly for the ensuing cultural conflicts, Powell promoted entirely changing in a short period of time Native American "customs and institutions."⁹

Powell was an optimist. In the first annual report of the Bureau of Ethnology, written for 1879-80, he reported that all Native Americans were rapidly progressing toward

a superior state of culture.¹⁰ He pointed out what was good for the American Indian in his view. "The presence of civilization," claimed Powell, greatly blessed the uncivilized American Indian.¹¹ Civilization improved barbaric culture by replacing old arts, customs, and institutions with new and apparently better ones. "In short," wrote Powell, civilization transformed "savage into civilized life."¹²

The United States government constituted a portion of the civilization Powell considered beneficial. American governmental policies improved Native American cultures. Extinguishing the uncertain Indian claim to land, placing Indians upon reservations in "civilized homes," creating schools on those reservations, and teaching the original Americans farming and other sedentary industries proved useful for their rise to civilization.¹³

Powell promoted continuing the work already in progress. He described the past policies as intelligently started by the United States government.¹⁴ He also looked forward to a "short future" in which the American Indian attained Euro-American civilization.¹⁵ And Powell recommended three things for the final accomplishment.

- 1st. The organization of the civilized family, with its rules of inheritance in lineal descent.
- 2nd. The civilized tenure of property in severalty must be substituted for communal property.
- 3rd. The English language must be acquired, that the thoughts¹⁶ and ways of civilization may be understood.

Powell also expressed his ideas of primitive law in evolutionary terms. Civilized law, according to the Bureau Director, was "theoretically founded in justice."¹⁷ In contrast, savage or barbaric law operated from a desire to prevent controversy or to terminate conflict when it occurred. As an example, Powell used the destruction of personal property at death, practiced by the Lakota and a number of other Native American cultures. Destroying belongings of the dead prohibited conflict which might arise from the distribution of such goods. Primitive society placed "religious sanctions" on property destruction at death only after realizing its value as a conflict inhibitor.¹⁸ Powell summed up his thoughts on primitive law as such: "law begins in savagery through the endeavor to secure peace, and develops in the highest civilization into the endeavor to establish justice."¹⁹

Lewis Henry Morgan clearly held an evolutionary view of the American Indian - his cultural evolutionary theory governed the anthropological community. Morgan proposed that most Indian tribes in the United States had overcome savagism. In 1878 Morgan asserted that through "natural development" the majority of American Indians moved into the state of barbarism.²⁰ Just as Powell, Morgan asserted that the majority of Native Americans resided in the same stage "where our own barbarous ancestors were when, by the domestication of animals, they passed from a similar into a higher condition of barbarism, though still two

ethnical periods below civilization."²¹

Morgan viewed hunting as derogatory to the civilization of American Indians. He considered the Indians' desire to hunt innate, ingrained from generation to generation.²² But, Morgan also theorized that all mankind received a "germ" of civilization and the environment increased or decreased the pace of the germination process. All mankind, Morgan stated, possessed the desire to reach the highest plane of cultural advancement.²³

As for civil institutions, Morgan proposed,

'there is a progressive principle inherent in all civil institutions, which commencing with the monarchical, the earliest in the order of origination, as well as the simplest in form, leads onto the democratical, which constitutes their ultimate as well as most complex development.'²⁴

The previous government Indian policy in no way encouraged democratic institutions. Morgan and Powell agreed largely on evolutionary theory, but Morgan found the past government policy far less satisfactory than Powell.²⁵

In an 1876 article, "The Hue-and-Cry Against the Indians," which defended the Lakota involved in the Custer route, Morgan lamented that government Indian policy over the previous fifty years was not satisfactory.²⁶ And, in another article that year, "Factory System for Indian Reservations," Morgan prophesied that intelligent Indian policy could "stimulate their industry and lead them gradually into the practice of labor, and with it into

an improved plan of life."²⁷

Like Powell, Morgan pressed for government action toward civilizing the Indian. Robert Bieder, in Science Encounters the Indian wrote that Morgan attempted to sway government Indian policy "more than any other ethnologist of his day except Schoolcraft."²⁸ Morgan, in an article entitled "The Indian Question," called the United States government and its citizens accountable for the Native American population. The American government, therefore, needed to implement intelligent Indian policy, as expected of a "superior race."²⁹ In 1878 though, Morgan still felt "the present system" a failure and discredit to the United States.³⁰

Many U.S. Army officers spent a large quantity of their military service among various Indian nations. The position taken by these men influenced reservation policies which controlled the Lakota, and reservation Indians generally, for the last two decades of the nineteenth century.

Before the Civil War, General William Harney held a council with numerous representatives of the Lakota. On March 1, 1856, at Ft. Pierre, Nebraska territory, now of course South Dakota, Harney encouraged friendly relations between the Sioux Nation and the United States. Harney arrived in the area to punish the Lakota for "depredations" committed against white settlers and soldiers in the vicinity. A successful council was held, and by viewing

the meeting, facts appear which clearly show Harney's professed desire to establish self-government among the various Lakota bands.³¹

Harney enumerated several requirements which the Lakota agreed to accept. The chiefs, who became the acknowledged leaders of their respective bands during this council, became responsible for the conduct of their followers. Specific details included the return of property which the Indians illegally procured over the past year and bringing in specific criminals, namely two Lakota accused of killing a homesteader's cow, for punishment. The newly recognized Lakota headmen agreed to Harney's demands.³²

In this council, another subject arose. Harney proposed, and the council agreed, to establish a system of "soldiers" which carried out the orders of the recognized leaders. Harney informed the council that all nations required established laws "and the people must obey them." The council of chiefs included Little Thunder of the Brules; One Horn, a Minniconjou; the Sans Arc chief, Crow Feather; Fire Heart of the Blackfeet Sioux; Bear Ribs, a Hunkpapa; Two Bears and Black Catfish of the Yanktonnias; and the leader of the Two Kettles Band, Long Mandan. All chiefs agreed and proposed the number of soldiers they expected to need. It was suggested that these chiefs and soldiers serve as long as the American government thought them successful. Only the president of the United States held the right to dismiss the headmen and their police.³³

Harney and Jefferson Davis, Secretary of War, urged the president and, more importantly, Congress to support these measures by appropriating funds to remunerate the service of the soldiers. The council resulted in good feelings and agreement among all the participants. And Harney professed that previous Lakota/government relations necessitated the appropriation. If not approved, Harney wrote on March 8, 1856 from Ft. Pierre, the Lakota would forever lose faith in the United States government. The government misled the Lakota too often in the past, according to the General. Wise policy pointed to fair and straight dealings on this occasion.³⁴ However, at that time, congress was unwilling to appropriate the needed funds.³⁵

Colonel Richard Henry Dodge authored the texts, Our Wild Indians and The Plains of North America and Their Inhabitants by 1882. In each of these works, Dodge pointed out problems with Indian policy and solutions for such problems. The infamous George Armstrong Custer also wrote of his experiences among Indians of the Plains in his work entitled My Life on the Plains. Custer and Dodge offset each other well. Dodge was clearly concerned for the American Indians' benefit and future. His works presented a liberal view of the Native American in the nineteenth century, especially when the view came from an Army officer and Indian fighter. Custer, on the other hand, presented his opinion in no uncertain terms - the Plains Indians

were wrong, the United States was right, and the United States therefore had all the justification necessary for domination.

Colonel Dodge when writing Our Wild Indians displayed thinking of an evolutionary type. "The Indian is," professed Dodge, "an evidence of the unity of races." Experience among numerous tribes from the Southwest, Northwest, Southern and Northern plains convinced Dodge that Native Americans shared common traits. And as final proof of mankind's unity, Dodge presented his belief that the civilized world, undoubtedly including Euro-America, had not yet removed "every savage trait."³⁶

Dodge, who spent better than thirty years in the western United States, sustained his belief in the Indians' state of savagery through witnessing Native American social life. On the North American Plains during the sedentary winter camp, Dodge explained what chores occupied the Plains warrior. Producing goods such as lariats or lassos absorbed a good part of Plains horsemen's time, as did the manufacture of various weapons and other necessities. Making such articles asserted Dodge was all the Indian men attended to during these slow winter periods. The Colonel pointed out that such limited pursuits exhibited the Indians' lesser position on the cultural scale. Dodge wrote,

without occupation, without literature, without thought, how he [the Plains Indian man] can

persuade himself to continue to exist can be explained only on the hypothesis that he is a natural 'club man,' or a mere animal.³⁷

Native Americans, explained Dodge, remained "in the earliest stages of development."³⁸ Dodge's viewpoint rested heavily on ethnocentrism.

But Colonel Dodge viewed American Indians optimistically. Like the above mentioned ethnologists, Dodge encouraged a government policy which elevated the lowly Native American to the plane of civilized man. The faith which Dodge held in the original North Americans also stemmed from his experience among them. The Colonel praised American Indians in general for being the "master of all branches of education necessary to the comfort and safety of his savage life." Such mastery pointed to the faculty for superior education.³⁹ Dodge further explained his belief that "the intellect of an Indian may be as acute as that of a congressman, and his religion as austere as that of a bishop." The quality lacking, morality, stopped the indigenous Americans from reaching the civilized plane of their white neighbors.⁴⁰

The Indian, as viewed by Dodge, utterly lacked any knowledge of right and wrong.⁴¹ Without a "code of laws," which could be established and enforced through United States Indian policy, Native Americans, according to Dodge, deserved no blame for their crimes. The Native Americans' moral degradation prohibited all blame being placed on

them for their crimes. The Indians' actions proved them much like "ferocious" animals of prey. The American Indian, proclaimed Dodge, should be blamed "exactly as the wolf and tiger are blamed."⁴² While this outlook seems bleak, Dodge pushed for a method to remedy the situation.

Dodge bitterly complained about United States Indian affairs as they stood. Corruption among agents harmed the Indians' chance for improvement. Dodge, therefore, encouraged paying agents better and making them subject to strict and objective evaluations. To lessen what Dodge described as an agent's natural tendency toward corruption, he proposed more accurate accountability, including reviews "for the detection of irregularities." Better pay and strict accountability, asserted Dodge, insured a better state of Indian affairs.⁴³ Without sweeping change, the Indians' future looked bleak. Dodge confessed, "were I an Indian, I fear that, with their provocations, I should be a bad Indian."⁴⁴

White men known as "squaw-men" who married a reservation-enrolled Indian woman, created havoc for the advance of Native Americans, wrote Dodge. He further proposed punishing any white man found cohabitating with a Native American woman. Since the "squaw-men" and other intruders provided poor examples of white civilization for reservation Indians, Dodge proposed complete removal. Just such men procured alcohol, weapons, and ammunition for the original Americans.⁴⁵ Dodge viewed traffic of

any sort, if unauthorized, worthy of destruction. He wrote,

property of any kind, taken without authorization into the Indian country for traffic with the Indians, should be destroyed on the spot, as also the wagons and animals transporting them. The owners captured should be punished by imprisonment and fine.⁴⁶

In his account, The Plains of North America and Their Inhabitants, Dodge listed the methods needed for correcting the conflict between Euro-American and Native American societies. First of all, treaties should be eliminated. Treaties conflicted with the Indian/white situation, according to Dodge. Treaties allowed American Indian cultures to retain a sense of sovereignty. Treating the individual tribes as such, Dodge objected, nullified the United States' right to enforce law upon them. The treaty system required abrogation or the American government must allow Native American societies to fade away "in ignorance and squalor." Dodge promoted the former.⁴⁷

Also, continued Dodge, all reservations needed a court of some sort which enforced the criminal laws of the United States. The power needed in such courts, Dodge proclaimed, lay in the military. The Colonel assured his readers that military backing would stop any unnecessary disobedience.⁴⁸

The Colonel too, wanted the Indians held responsible for misdeeds. He urged that Indians off the reservations be regarded as marauders and "be killed, or captured and punished."⁴⁹ Taken as a whole, Dodge's policy suggestions,

if followed, required Native Americans to accept the laws, customs, and financial pursuits of their "civilized" white neighbors.

George Armstrong Custer professed similar sentiments, but with less thought concerning the cause of Indian/white conflict. In his account of life on the Western Plains, Custer pondered what might urge natives of the Great Plains toward more peaceable relations with neighboring whites. Custer agreed with Dodge in his assessment of the Indians' moral state. Opposing the "extension of the olivebranch," Custer scoffed at those who assumed American Indians capable of attaining civilization through appeals to "moral right and wrong, independent of threatening or final compulsion."⁵⁰ As an example, Custer explained, even the Indians' white neighbors, who dwelled in the highest plane of civilization, yet resorted to force, even war, "to exact justice from a neighboring nation." According to Custer the Indian recognized only "stern arbitrary power."⁵¹

The employees of the Bureau of Indian Affairs, including the Commissioner of Indian Affairs, expressed philosophies regarding the civilization of Native Americans. Mainly, their contributions came from the annual reports which they wrote. First and foremost among the duties of agents and commissioners was the civilization of the American Indian.

In 1872, Commissioner Francis A. Walker explained that all American Indians opposed to Euro-American

civilization "must be relentlessly crushed."⁵² And as an avid Manifest Destiny advocate, the Commissioner reported that western expansion must continue regardless "of all the Indians that ever called this country their own."⁵³ Walker espoused less ruthless doctrines though. Since the United States as a civilized nation destroyed the Native inhabitants' subsistence in the process of advance, the "higher" race owed the "lower some substitute for the means of subsistence."⁵⁴

Walker expressed his opinion of actions which the government needed to pursue. First, the United States needed to reduce the remaining hostile groups "to the condition of suppliants for charity."⁵⁵ After that, Native Americans must learn different trades which agreed with the Euro-American idea of progress toward civilization.⁵⁶ The pursuits Walker envisioned included farming and ranching. The United States owed the conquered Indian a hand during the initial phase of assimilation. The American government's responsibility ended at providing the reservations with only positively essential supplies until they became self-sufficient. Lastly, over the Native American reservation communities the government needed to place "a rigid reformatory discipline." Such discipline among savage peoples, reported Walker, rescued "them from falling hopelessly into the condition of pauperism and petty crime."⁵⁷

Edward P. Smith was the Indian Commissioner in 1874.

In his report of that year to the Secretary of the Interior, Smith sounded sentiments like Walker's. The management of the Western Sioux, claimed Smith, required all "firmness." Smith though elaborated further. His first recommendation envisioned the establishment of Lakota self-government. Obtaining such a government meant applying United States' laws to Native American reservations.⁵⁸ State or territorial courts, stated Smith, provided the machinery with which to try Indians residing in said state or territory. Also required, in Smith's opinion, were federal marshals, "to enforce law and order both among and in behalf of Indians." Establishing elective tribal governments to enact the regulations of reservations rounded out Smith's suggestions.⁵⁹

J. J. Saville, agent at Red Cloud agency in 1874, agreed with Commissioner Smith. He purported that Native Americans generally respected authority. Saville therefore suggested creating reservation courts to ease the "administration of justice." The inability of past agents to secure Indian criminals for punishment stemmed from the Indians' belief that sending American Indians to local white courts sent the accused "to their deaths." Saville espoused that tribal courts, if created, insured a sense of true justice.⁶⁰

E. A. Hayt, Indian Commissioner in 1877, wrote similarly. Building a civilization required furnishing a foundation on which to begin. Hayt recommended as the

groundwork placing "a code of laws" and devices for distributing justice on all reservations.⁶¹ Hayt recognized a need for tribal policemen and proposed using white officers to head up the forces. Hayt too advocated other means to successfully civilize American Indians. Native Americans should own private tracts of land, be educated by compulsory schooling, learn the Christian religion, "in order to reclaim them from a debasing paganism," and be taught independence by requiring "labor in return for the supplies given them." Hayt closed his recommendations by emphasizing that "it is most desirable that a system or code of laws for Indians should be established."⁶² Hayt considered such amendments necessary to repair the imperfections of the system then employed.⁶³

J. H. Hammond, the Dakota Superintendent of Indian Affairs, contributed his theories for systematic civilizing of American Indians in his annual report of 1877. Christianization played a leading role in Hammond's philosophy. The clergy, Hammond exclaimed, "are absolutely necessary to any permanent improvement." Hammond applauded the efforts of missionaries teaching in Dakota based reservation schools, consisting largely of Lakota children, and added a request. He urged the American government to donate "liberally" to such schools. In return for funding, Hammond expected the schools to enforce the sole use of the English language. Christian education ensured settling the Lakota in "self-sustaining" homes.⁶⁴

Hammond also espoused a need to retain reservation inhabitants on their respective agencies. The Dakota superintendent promoted a government policy giving agents sufficient power to halt the roaming tendency of Plains Indians. Hammond stated that civilizing efforts failed because the Dakota reservations' wards wandered freely. When discipline seemed too strict, lamented Hammond, the Indians left the agency on which they resided for another. The Lakota would never work for their own support under such circumstances.⁶⁵

Superintendent Hammond suggested the confiscation of the Indians' rifles and ponies as a means of prohibiting the nomadic style of life. The rifle and pony encouraged the Plains Indians' wandering habits by allowing them to hunt for subsistence. Hammond proposed confiscating their weapons and ponies, and with the money obtained from the selling of such articles, purchasing cattle and chickens for the Native Americans' future subsistence. This, in turn, would encourage a sedentary lifestyle.⁶⁶

Furthermore, Hammond railed against burial customs of the Plains tribes. He pushed to disallow all trans-reservation travel that was related to family deaths. The Lakota, the largest group of Dakota-based Indians, commonly gave away all they owned when mourning for their dead. In this practice, the Indian Bureau officials saw only disastrous results. Maintaining such practices, according to Hammond, kept lower-staged people from

attaining civilization.⁶⁷

To close, Hammond listed his ideas concerning the civilization process of the Dakota-based tribes. He advocated removal of arms and ponies and fair compensation in cattle and chickens. He encouraged the distribution of land in severalty. He wanted to induce Native Americans to live in log homes instead of tepees. Hammond advocated requiring labor as payment for the supplies given to the Indians. He lamented the giving of blankets and paint and asked that those article be absented from the annuities. The Superintendent proposed teaching only the English language and requiring it taught in schools which received government funds. And Hammond desired that reservations be consolidated whenever they could peacefully coexist. Consolidating agencies allowed for more uniformity in assimilating various tribes. To implement his recommendations, Hammond admonished the government to give reservation agents the power requisite to the accomplishment.⁶⁷ Hammond's recommendations echoed the systems contemplated by scholars, army officers, and Indian Bureau officials of the era. It is no wonder that the policy of coerced cultural change for the advancement of civilization found its way to the Lakota.

The anthropological community, the military elite, and the Bureau of Indian affairs shared a number of ideological similarities concerning the "Indian problem." Practically all fronts proposed placing Native Americans

on individual land to encourage settled pursuits, such as farming and ranching. Hammond, as the Dakota territory Indian Superintendent, especially urged the government to employ means which halted the American Indians' tendency to roam. Indian Commissioner Hayt expressed his belief in individual Indian land ownership in 1877. Morgan and Powell, two leading ethnologists of the period, also viewed the tendency to roam as harmful and, as Powell suggested, "the civilized tenure of property in severalty" necessary for cultural advance.⁶⁸

Schools and churches greatly helped the Indian in the civilizing process a number of reformers agreed. Powell claimed that the English language helped the barbaric tribes understand the concepts and manners of Euro-American culture.⁶⁹ J.J. Hammond too, pointedly expressed his desire that all schools receiving government funds enforce the English tongue. Requiring compulsory education on Native American reservations called for machinery to insure implementation.

The self styled friends of the Indian poured out numerous other reform ideas. For example, reducing agent corruption on reservations attained the support of many. Colonel Dodge for one promoted keeping agents only during good behavior, but also wanted to increase the pay of irreproachable agents. Of all the desired reforms though, a code of laws for the American Indian received the most consistent and whole-hearted support.

John Wesley Powell deemed that the American Indian needed civilized law based on "justice."⁷⁰ Lewis Henry Morgan bashed past governmental policy and emphasized the need to pursue an intelligent policy which culminated in enlightened civil institutions. Colonel Richard Henry Dodge argued that a "code of Laws" insured the American government's ability to instill morality in the Indians' "savage" heart.⁷¹ Custer portrayed the Indian as incapable of civilization without rigid discipline.⁷² As early as 1856, General William Harney proposed Lakota policing forces which answered to their own chiefs and the supreme command of the United States president. And, as Secretary of War in 1856, Jefferson Davis wrote the president, "if the experiment be judiciously carried out... it would seem to promise the most valuable results."⁷³

Indian Commissioners Walker, Smith, and Hayt called for "a rigid reformatory discipline,"⁷⁴ the enforcement of "law and order both among and in behalf of the Indians,"⁷⁵ and "a code of laws" with tools to dispense justice⁷⁶ respectively. J. H. Hammond needed the force of law and law men to enforce his desired policy of weapon and pony confiscation. And lastly, J.J. Saville of the Red Cloud agency encouraged a reservation court system to administer true justice.

While ideological variation existed among the various reformers described, they all agreed with the need to administer some form of laws and regulations among the

reservations. And all agreed that the laws and institutions should strongly resemble those of the United States. The police and court systems established among American Indian reservations in the last two decades of the nineteenth century resulted from the highly ethnocentric thought of the era. Such ethnocentric thought created a policy of coerced assimilation which heightened the already present tensions and insured continued bitter relations between Native American and Euro-American culture.

Chapter Two
Lakota Law Enforcement
Reservation Law Men, Their Duties, and Purpose

Policies implemented on Indian reservations during the late nineteenth and early twentieth century have generally been criticized. George Hyde, James Olson, and Stanley Vestal, authors of numerous works including A Sioux Chronicle, Red Cloud and the Sioux Problem, and New Sources of Indian History respectively, are a few such critics. Hindsight and a greater cultural awareness have shown historians both the flaws and the oppressive nature of that era's policies. One policy widely utilized concerned the use of resident tribesmen as the reservation police force.

For this research, the Indians on the Lakota reservations in the Dakotas were observed. Agencies included in the study were Devil's Lake, Rosebud, Cheyenne River, Standing Rock, Pine Ridge, Crow Creek and Lower Brule, and Yankton. All the Native Americans mentioned had two striking similarities. They faced similar cultural destruction and the era's white society viewed them as one culture. These factors make it possible to logically include the numerous reservations.¹

The Indian police originated as a "civilizing" agency. The intention, typical of most Indian policy of the era, was to encourage assimilation through the establishment of Euro-American institutions on the Lakota reservations. Native police forces not only illustrated white ideals but imposed these standards on reservation society. The Indian police aided the coerced assimilation policies of

the United States government by forcing the Lakota to obey Euro-American institutions and values.

When viewing the Lakota police in such a manner, numerous questions come to mind. First, what duties did the Indian police perform? Second, how did those duties destroy traditional Lakota culture? And lastly, what may have induced or discouraged Lakota men regarding participation in the police?

William Dougherty, the agent of Crow Creek agency in 1881, reported that his police force provided a worthy service. Breaking up "immoral" ceremonial dances, opposed by most agents because such "heathen" practices were thought to retard progress toward assimilation, was one service Dougherty considered useful.² In 1890, Rosebud agent George Wright ordered his Indian police force to destroy ceremonial "ghost lodges."³ Wright lauded his police for such service.

The year 1890 was busy for native law men. The military occupation of Pine Ridge and Rosebud as a result of the Ghost Dance created excitement and unnecessary bloodshed. Sitting Bull was arrested and killed at Standing Rock and with him died several Indian policemen. During the feverish excitement one "sly old Teton"⁴ removed from Rosebud and traveled to the Yankton agency. According to Yankton agent E. W. Foster the elderly Lakota was a ghost dance believer. While the old fellow

was chanting the angelic song of a resurrected cherub, ...the brawny hand of a live policeman ...

compelled him to yield up his hopes of a life long buffalo hunt for the dreary reality of sawing wood under guard.⁵

In a Department of Interior circular of November 1889, the Commissioner of Indian Affairs, John W. Noble, complained of the American Indians' tendency to roam. The circular was sent to all reservation agents in the United States. The commissioner wrote that complaints commonly arrived at his office concerning the Indians' "habit of leaving their reservation."⁶

On May 12, 1891, George Wright, Rosebud Indian agent, received a letter from the Acting Commissioner of Indian Affairs, R. V. Belt. In the letter, Belt encouraged Wright to inhibit trans-reservation travel. Belt's communication to Wright was the result of a letter Captain Charles Penney, acting agent at Pine Ridge, sent to the Indian Commissioner. Agent Penney wrote the Commissioner complaining that Indians visiting Pine Ridge from other agencies caused serious problems. The Pine Ridge agent expressed concern because the travelers apparently "talk[ed] trouble" to his wards. Penney mentioned Rosebud, Cheyenne River, and Standing Rock as the origins of most of his troublesome visitors. According to Penney, keeping the visitors out would help him considerably.⁷

The Secretary of the Interior, John W. Noble, agreed with Commissioner Belt and Penney. Wright received a letter from Secretary Noble on May 12, 1891. Noble's communication

encompassed all the Lakota agencies. He stated that the agencies Penney fingered should use their police to prevent said visits to Pine Ridge Reservation. The necessity to halt such travel, wrote Secretary Noble, resulted from the "situation past and present among the Sioux."⁸ The Honorable Secretary was referring to the Ghost Dance troubles which culminated with the Wounded Knee Massacre. Noble then ordered Wright to take strong measures to stop the visits. Commissioner Belt further advised the Rosebud agent to give "positive orders to your police to be active and on the alert" so they could prevent all traveling between agencies. Any Rosebud Lakota caught arranging an unauthorized visit to Pine Ridge was to be promptly arrested.⁹

In fact, the roaming nature of Plains Indians concerned Indian Bureau officials long before the 1890's. For instance, in 1879 Captain Schwann of Cheyenne River expressed concern over the Lakota and their "innate" desire to roam. Schwann reported that the constant movement of the Plains tribes formed a major obstacle to their future civilization.¹⁰

High Bear, a Lakota from Cheyenne River agency, exemplified the characteristic movement of traditional Lakota culture. The Cheyenne River agent, Perrain Palmer, sent a letter to George Wright of Rosebud in August of 1891. Palmer described High Bear as "a bad Indian in some respects." The Lakota left Palmer's agency without

permission. Palmer requested High Bear be sent home immediately, if Wright located the fugitive. If High Bear could not be returned soon, the Cheyenne River agent desired him kept in the Rosebud guard house. Palmer would then send his police force to pick up the run-a-way.¹¹

Agent Wright did not find High Bear. Captain Charles Penney's Pine Ridge police apprehended the wandering Lakota. When Wright was unable to locate High Bear, he sent a letter to Penney similar to the one he received from the Cheyenne River agent. Penney found High Bear and with the Pine Ridge Indian police escorted him back to his Cheyenne River home. The letters among the agents began with Palmer's of Cheyenne River on 17 August 1891, and by August 31, Penney's police resolved the crisis. An extraordinary amount of work was accomplished in just two weeks.¹²

Yet High Bear remained a source of trouble. The next spring, March 1892, he again left his assigned agency. By this time, High Bear had secured a transfer from his Cheyenne River home to the Rosebud reservation. However, Pine Ridge still drew High Bear to its boundaries. Captain LeRoy Brown was Pine Ridge's acting agent when High Bear arrived on this occasion. Brown wrote George Wright about the nomadic ward. High Bear possessed neither food nor horse, Brown informed Wright. "What shall I do with him" was the question asked of Wright by the Pine Ridge agent.¹³

Captain Brown was also missing a few Pine Ridge residents. One Pine Ridge Lakota, Mckutepi, supposedly

removed to Rosebud without permission. Brown wanted Wright to send Mckutepi back by way of the Rosebud Indian police force. Mckutepi's family sorely needed him as a means of support. Any other Pine Ridge Lakota at Rosebud without permission should be arrested, confined in the guardhouse, and sent home immediately. Their constant roaming, wrote Brown, prevented them from working on their farms.¹⁴

Brown of Pine Ridge complained of yet another group of travelers. He received information that Wright's police force regularly traveled to Pine Ridge without proper authorization. He asked Wright to be certain the Rosebud force checked in at the Pine Ridge agency office during visits. Probably to placate Wright, Brown ended by writing that the reports likely erred, but maintained they might be legitimate.¹⁵

Other agents wrote to Wright in a similar vein. Agent Charles McChesney of Cheyenne River shared in Brown's dilemma. McChesney ordered his police to turn back all visitors not carrying proper written permission from their respective agencies. McChesney also asked Wright to halt all unauthorized Cheyenne River Lakota entering Rosebud. The Cheyenne River agent, however, added to the request. He wanted Wright to send back the Cheyenne River refugees after showing them the Rosebud guard house.¹⁶

Marital problems on Lakota reservations caused the Western Sioux to skip from one reservation to another. For instance, in July of 1891, J.F. Sisson, clerk of the

Lower Brule reservation, wrote to Wright. In the letter, Sisson asked Wright to send back White Whirlwind. Due to domestic squabbles, White Whirlwind owed his wife a pony. Whirlwind left his wife for another woman, whom he also married. The pony was compensation for his first spouse. Sisson only wanted Whirlwind returned, not jailed. According to the Lower Brule clerk, "he[White Whirlwind] has had trouble with both of his wives for some time but otherwise is a good Indian."¹⁷

On May 16, 1892, Captain Brown of Pine Ridge wrote Wright about the son of Yellow Thunder. Yellow Thunder received high praise from Brown for being a progressive Lakota. In the letter, Brown failed to mention the name of Yellow Thunder's son. However, like White Whirlwind of Lower Brule, the young Lakota abandoned his wife and ran "away with another woman." In this particular letter, Brown desired to know what action Wright was willing to take.¹⁸

Captain Brown again wrote George Wright on May 18, 1892. The Captain informed Wright of another domestic disturbance. One of the Pine Ridge policemen, Kills In Timber, was reportedly heading for the Rosebud reservation. The law man fled after leaving his wife and stealing a Rosebud woman. Brown sent out another Pine Ridge officer to intercept Kills In Timber. He also wanted Wright to notify him if the fugitive turned up at Rosebud. The Pine

Ridge agent requested that the renegade policeman be locked up until someone reached Rosebud to return him.¹⁹

Native Americans from numerous agencies across the Northern Plains ended up on one or another of the Lakota reservations. In July of 1892 an Indian from the Tongue River agency in Montana arrived at Pine Ridge. Three Bears left Montana in a hurry. According to agent Brown's information, before departing the Montana reserve, Three Bears stole "a horse and killed a white man." Brown also claimed Three Bears started some sort of trouble at Pine Ridge, although he did not specify what sort of trouble. When Brown sent out his Indian police, Three Bears donned a ghost shirt, grabbed his rifle, and took "to the hills." Brown wrote to Wright warning him of the escapee's probable trek toward Rosebud. As a matter of fact, wrote Brown, some reports claimed Three Bears was already hidden somewhere on the Rosebud reservation. With this information, Brown encouraged Wright to take action to arrest Three Bears.²⁰

Run-a-way children commonly created problems among the agency schools. Evidence points to good reason for the departures. For example, George Wright received a complaint from the Commissioner of Indian Affairs, D.M. Browning, concerning the St. Mary's Mission boarding school. Commissioner Browning sent Wright the letter on November, 30, 1894. The Commissioner's complaint stemmed from

information he received concerning extreme punishment of two Indian girls. St. Mary's kept these girls from running away by placing them in shackles. These particular girls habitually ran away, explained the Superintendent of St. Mary's episcopal mission school, Percy H. Mugford. The Commissioner ordered Wright to inform the school's Superintendent that "he must employ milder and better means for correcting his pupils."²¹

Keeping Indian children in school proved easier if the child's family remained in a fixed locale. On January 15, 1895, D.L. McLane, teacher at Milk's Camp school of Rosebud, sent a message to Rosebud's agent, former Cheyenne River agent Charles McChesney. The letter complained of absentees due to visiting other reservations, Yankton being specifically mentioned. When Lakota parents visited Yankton, their children went along. According to McLane, the ease of traveling away from Milk's Camp directly resulted from the district's absent policeman. "Rainwater has not been on duty here for the past four weeks," raged the instructor. Keeping Rainwater in the vicinity, suggested McLane, would protect against Lakota parents freely leaving the area and therefore maintain better school attendance.²²

Later, in October of 1895, the Yankton Indian police arrived at Rosebud's Ponca Creek issue station. There, the police picked up truant Yankton school children who

fled to Rosebud. One child, the son of Blue Eye's wife, a Rosebud enrolled resident, wanted to stay. It is unclear how the mother and son initially separated. However, it is clear that the visiting officers wanted the boy back at Yankton. Agent Wright of Rosebud saw no harm in letting the boy stay. The Rosebud force insured the Yankton law men of agent Wright's approval. Even so, the Yankton constables strictly adhered to their original orders. The boy was returned.²³

Indian Commissioner, W. A. Jones, grumbled of the Lakotas' tendency to roam in 1889. A circular sent to all Indian agents in November of that year alluded to the Indians' wanton destruction of game. On May 22, 1894, acting Commissioner Armstrong sent Wright a copy of the 1889 circular. Armstrong sent the circular as a reminder to deny passes for the Lakota if they planned to go hunting. In the original circular, Commissioner Jones explained that he commonly received complaints concerning "wasteful hunting practices." When the Lakota traveled among the various reservations, lamented the Commissioner, they killed a considerable number of animals "simply for their hide." The circular also explained the Secretary of Interior's decision that the hunting privileges in various treaty stipulations did not apply to unnecessary slaughter.

In the circular, Commissioner Jones revealed why animal conservation became so critical. Increased white settlement

of the Western United States resulted in a decreased animal population. Because of the ever growing white settlement, Native Americans needed to "abandon their idle and nomadic ways and endeavor to cultivate habits of industry and adopt civilized pursuits to secure the means for self support."²⁴

How did the specific actions of the police decay the Lakota culture? Clearly, prohibiting the right to practice traditional ceremonies such as the Sundance and death give-a-way constituted an assault on the older Lakota way. Yet the Ghost Dance "craze" which swept the Lakota reservations and the use of Indian police to quell it should also be viewed as culturally destructive.

Generally, late nineteenth century Euro-Americans saw religious alterations, religion meaning Christianity, as offensive to societal norms. There was, however, a small group who disagreed. For instance, James Mooney, a Bureau of American Ethnology Indian researcher, understood that "social, economic, and political conditions" caused the religious fervor, not the natural tendency of a savage race toward superstitions and heathenistic practices. And, such conditions resulted from the domination of white society. Under similar depressed conditions, Mooney proposed that any race or ethnic group tended to grasp an optimistic faith in the supernatural.²⁵

Mooney's monograph on the subject, The Ghost Dance Religion and Wounded Knee, is a sympathetic look at the

Lakotas' plight. Washington Matthews was another leading figure among ethnologists and anthropologists of the late nineteenth and early twentieth century. In his review of Mooney's work, he claimed that "we cannot but feel that the many centuries of Aryan civilization have laid but a thin varnish of respectability over a white-skinned savage."²⁶

Another view similar to that of Mooney came from Eli Ricker. Ricker recorded numerous interviews at the turn of this century. He spent the years from 1905 to 1926, when he died, researching for a book he envisioned but never finished. The book's tentative title read, The Final Conflict Between the Red Man and the Pale Faces.²⁷ Ricker's interviews included United States Army soldiers, traders, and a number of Lakota. Subject content also varied widely. Ricker became well acquainted with the Lakota and their culture. Mr. Ricker called the Ghost Dance, also referred to as the "Messiah craze," a "fervor" or "enthusiasm," not a "craze." Both Ricker and Mooney compared the "enthusiasm" with religious waves which have occasionally "swept English communities" and then "become celebrated in history."²⁸

In view of Mooney and Ricker, the Indian police became a tool to suppress a needed outlet for cultural oppression. By doing so, the police stole any opportunity for sovereignty in the area of religion. In a highly spiritual

community such as the Lakota, removing religious independence also lessened cultural autonomy. Prohibiting the new Ghost Dance religion continued the already present program which forced Euro-American social and religious ideology upon the Western Sioux Nation.

William Brandon wrote,

something happens to a man when he gets on a horse, in a country where he can ride at a run forever; it is quite easy to ascend to an impression of living in a myth. He either feels like a god or feels closer to God. There seems never to have been a race of plains horsemen that was not either fanatically proud or fanatically religious. The Plains Indians were both.²⁹

The reservation police forces stopped the freedom to roam which was so dear to the Lakota. Brandon's view is clearly romantic. Yet a less glorious perspective still shows the importance of movement in Lakota society. Family hunting parties called *Tates* hunted for subsistence by following the buffalo. And when various Lakota bands met, at the Sundance ceremony for instance, the *Wanisapa* or communal buffalo drive took place.³⁰ As with the *Tates*, the buffalo determined the communal hunt's location, not the Lakota. A culture based on these methods of survival cannot easily be transformed into a sedentary community. Royal Hasserick agreed in his book, The Sioux: Life and Customs of a Warrior Society. He concluded that the Western Sioux "were hunters first, gatherers second, and farmers never."³¹ And William John McGee, Ethnologist in Charge

of the Bureau of American Ethnology from 1893 until 1903, claimed that the Western Sioux, more than any other North American Indians, lived by the hunt, loved warfare, and despised agriculture.³² Indian police clearly inhibited traditional culture by halting the freedom to roam.

Hasserick also asserted that marital problems, which in reservation societies often caused Lakota men to run away, became more severe because white culture interfered with traditional values. Traditional ceremonies commonly reinforced expected behavior of the Lakota. Assorted ceremonies encouraged being a good husband and a loyal wife. Along with the destruction of ceremonial life, men and women lost a sense of social order. Hasserick and Gordon MacGregor, author of Warriors Without Weapons, claimed the loss of social order caused a great deal of the domestic strife. In other words, with a confused and unfamiliar sense of social structure, a Lakota man or woman had no reinforcement of values. Reservation societies, pressed to conform with Euro-American mores, led to the decay of traditional culture and hence increased Lakota marital strife.³³ The Lakota police played a leading role in the new, confused, and unfamiliar societal edifice.

Traditionally, Lakota children learned the concept of right and wrong through ridicule and "fear of shame." Lakota parents considered physical force unnecessary for proper childhood development.³⁴ Therefore, the police

force, as used to return Lakota children to a school which practiced corporal punishment, further ended traditional customs. As George Hyde so correctly stated in his account, A Sioux Chronicle, "if the policing had been stopped, the Indian schools would have been empty."³⁵

Lastly and most clearly, the police stopped traditional culture by disallowing roaming Lakotas to hunt. As earlier stated, the Western Sioux lived by the hunt. Plains warriors found agricultural pursuits highly unattractive. The original disappearance of game was not the fault of Indian police, but enforcing regulations (like those in the Commissioner's circular of 1889 mentioned above) against the "unnecessary slaughter" of animals was a reservation law man's duty. Such duty meant requiring the Lakota to abandon their traditional economy for the unwanted and often unsuccessful farm economy.

What type of Lakota man became a reservation law officer? Stanley Vestal, well respected author and Sitting Bull's biographer, said the early policemen came from a "hardboiled" lot. The agents in those times chose known "scrappers" for the agency force. According to Vestal, by choosing such men, the agent gained a formidable ally and lost a potentially dangerous enemy.³⁶

James McLaughlin, in his book My Friend the Indian, which is a portrayal of the years he spent as an Indian agent, gave various accounts of his police officers.

McLaughlin's superiors, such as Secretary of Interior John W. Noble in 1891, noted the Standing Rock agent's "reputation for efficiency."³⁷ One policeman McLaughlin described, Shave Head of Standing Rock reservation, died in December of 1890 while arresting Sitting Bull. McLaughlin's account in his book and his official report show that the agent approved of Shave Head and regarded Sitting Bull with disgust. Sitting Bull, in McLaughlin's opinion, fomented discontent and encouraged the Ghost Dance.³⁸

McLaughlin described Shave Head as a Hunkpapa Sioux with short hair and a matching temper. Shave Head's short hair was not cause for taunting at Standing Rock. According to McLaughlin, Shave Head's retribution would have been such that no one dared. In an argument with Red Thunder, whom "no man called" friend, violence erupted. McLaughlin said that since the initial beef ration at Standing Rock agency, "Red Thunder had helped himself to the fattest and best quarter." Evidently, Shave Head usurped the choice quarter at one particular beef issue. In the ensuing conflict, narrated by McLaughlin, Red Thunder discharged his shotgun toward Shave Head at point blank range. The latter's quickness and agility saved him from a certain demise. Apparently, Shave Head moved so rapidly as to require Red Thunder to alter his aim, which was not efficiently accomplished. At the same range Shave Head

aimed his Winchester accurately. Then Shave Head emptied his rifle, fifteen rounds remained, into the lifeless body of Red Thunder.³⁹ Clearly, in regard to Shave Head, agent McLaughlin wisely maintained cordial relations.

Possibly the best example of the Lakota Indian police is George Sword. James Walker, who served as the Pine Ridge reservation physician from 1896 until 1914, left a considerable amount of information on George Sword from numerous interviews. Sword's original name, given by Walker, was Long Knife.⁴⁰ James C. Olson in his work Red Cloud and The Sioux Problem asserted that Sword's name had been Hunts The Enemy before he was called George Sword.⁴¹ Sword "had been a renowned holy man"⁴² and told Walker he knew much of the ceremonies and "secrets of the Shamans." He remained afraid, however, to divulge too much information because he refused to displease his "ceremonial outfit."⁴³ Why he converted to the white man's laws and religion will be discussed later.

Sword's background was well tailored for an Indian policeman. During the extreme hostilities of the Little Big Horn battle, Sword scouted for the United States army. According to an interview with Eli Ricker on April 29, 1907, Sword helped persuade Crazy Horse to surrender in January of 1877. Sword was a police officer, the Captain at Pine Ridge, for 14 years and a Chief Justice of the Pine Ridge Indian court.⁴⁴ George Sword also converted

to Christianity and became "a consistent deacon of a Christian denomination."⁴⁵

Keeping in mind the culturally destructive tasks required of the police, what encouraged a Native American to enter such service? According to Perain Palmer, Cheyenne River Indian agent in 1891, the Indian police obtained through their service a position of honor. Palmer suggested that such honor induced the Lakota to become law men.⁴⁶ A far more concrete and logical explanation is available though. In the case of Valentine T. McGillicuddy, Pine Ridge Indian agent, a promise he made likely proved a valuable recruiting tool. McGillicuddy told the Lakota of Pine Ridge that establishing a tribal police force allowed for the removal of United States troops.⁴⁷

Generally, agents cherished their police force. A case in point is McLaughlin's praise of his force when they arrested Sitting Bull. I will rely greatly on McLaughlin for details. In both his annual report and his book, My Friend the Indian, he gave thorough accounts of Sitting Bull's arrest. McLaughlin's account furnishes the best narrative of the given story. In his report as well as the book, the above mentioned author confirmed his respect for the Indian police.

The glowing report written concerning the "special" policeman, Hawkman, exhibits the agent's respect. Hawkman was not a member of the full-time Indian police at Standing

Rock, hence the title "special" policeman. According to McLaughlin, Hawkman traveled in the neighborhood of 120 miles in a period of 22 hours with little rest. In such a condition the special officer, in company of a number of Indian police, rode up to Sitting Bull's cabin in December of 1890. Violence erupted during the arrest. At Sitting Bull's home on Grand River, Hawkman with five other "red heroes" met their maker.⁴⁸ The dead which included Shave Head received the praise and respect of their agent.

Reservation agents and Indian Commissioners considered the native police forces invaluable. The praise of agents and commissioners throughout the years is by far the most consistent information to be found from a study of this subject.

J. D. C. Atkins, Indian Commissioner from March of 1885 until October of 1888, felt the Indian police crucial to the civilizing process. And when an agent needed a trusted ally, Atkins maintained that the Indian police filled the necessity. The Commissioner proclaimed that "many instances of surprising fidelity to the trust imposed upon them, under circumstances which would swerve many a white man from his duty, might be related of the Indian policemen."⁴⁹ Events such as the Sitting Bull arrest confirmed the legitimacy of such praise.

The police did an incredible amount of work. The

work they pursued helped the reservation Indian agent in numerous ways. In his report in 1886, Atkins again saluted the native police. The commissioner pointed out at this time the utter dependence upon the Indian police by Indian agents. It reads as follows:

At most agencies they[Indian police] are the only means which the agent possesses for protecting his Indians against liquor traffic, cattle thieves, the inroads of bad white men, and for the suppression of every kind of vice and lawlessness on the reservation.⁵⁰

Reservation police forces kept extremely busy and appeared versatile. Agent Wright at Rosebud explained in 1890 that Lakota police duties constituted twice the amount of work demanded of the United States cavalry.⁵¹

A desire to subdue the lawless element of white intruders, according to Indian Commissioner Atkins in 1885, created the need for reservation law enforcement.⁵²

Apparently wood supplies and free grazing lands enticed local whites onto reservation property. That same year William Swan, Cheyenne River agent, desired more police. Swan called his police force "careful, vigilant, and prompt in their duties." Even so, the force failed in stopping the "encroachments of the whites upon the reservation."⁵³

J. F. Kinney, Yankton Indian agent in 1886, regarded his police force as useful and proficient in guaranteeing that Indian children attended school. Kinney also commended the force for its efficacy in the ejection of trespassers.

Lawless whites, intruding for profit in horses, cattle, or wood and non-resident Indians without proper visiting passes frequently occupied the time of Yankton police officers.⁵⁴

Inhibiting white encroachment on Lakota reserves drew support from white law men as well as the Indian police. For instance, in February of 1878, U.S. Marshall, D. B. Ball wrote to the Spotted Tail agency, later named Rosebud, regarding stolen Lakota ponies. Ball claimed that a number of "suspicious men" sold the reservation stock at the "settlement along the UPRR[Union Pacific Railroad]. Ball advised the reservation Lakota to "watch the southern and western outlets well and bring in no prisoners."⁵⁵

Inhibiting horse theft by white intruders obviously benefited reservation Indians. But another motivation to become a law officer may have been the reservation Lakotas' chance to confront the trespassers. Although this is speculation, the ability to physically confront a member of the society by which one is oppressed must have exerted a certain appeal.

Praise from white authorities may have influenced the Lakota toward joining the reservation force. Removing unwanted white trespassers certainly appealed to them. Yet conventional Lakota culture also realized the value of law and order.

Traditional Lakota culture was not without structure.

Their society allowed for a great degree of individualism but also used methods of control. For example, akicita societies policed events which required proper order. These soldier societies kept individuals from spoiling a successful communal buffalo hunt and helped maintain proper order during large gatherings such as the Sundance. In the societal structure of the Lakota, the importance of akicita societies was immeasurable.⁵⁶

Akicita societies, above all else, valued bravery. If, in performing the duties of his society, a member died, that member's death represented a positive loss of life. The Kit Fox society, for example, sang this song, "I am a Fox/ I am supposed to die/ If there is anything difficult/ If there is anything dangerous/ that is mine to do."⁵⁷ As members of such societies, Lakota men received great honor. Police officers on the reservations may well have been searching for an alternative way to gain prestige. If so, more dedicated police would be hard to find.

George Sword once explained his reasons for becoming a reservation law officer. In a conference held in Washington D.C. which Sword attended, he expressed his full loyalty to the United States government. Sounding like the lines from the Kit Fox society song, he announced, "I am in the service of the Government. No matter what comes before me I am willing to go ahead and do whatever the Government desires me to do."⁵⁸

Yet George Sword was not a senseless or gullible man. During a conference held in 1903 at Pine Ridge regarding past treaties, Sword put a government agent, William T. Martin, in his place. Speaking of the Sioux treaties of 1868, 1876, and 1889, in which the Lakota lost much land, Sword asked Mr. Martin to sell his coat for a dollar. Sword then claimed that he wanted the government agent's coat even if Martin was unwilling to sell it. If Sword was the United States government and Martin was the Lakota, Sword asserted that he would definitely get the coat.⁵⁹

Sword served the white man's God and government for logical reasons. After going to Washington, Sword realized the futility of trying to remove the white man from Lakota country. There were too many Euro-Americans to oppose forcefully. And for this reason Long Knife or Hunts The Enemy became George Sword and decided to follow the "customs of the white people."⁶⁰ For his devoted service, Sword received a spring wagon with brakes and a piece of land on which the American government built a wood home.⁶¹

Sword converted to Christianity. The deadly Shave Head also inclined toward the white man's religion. Shave Head presents a clear example of the cultural strife of an Indian policeman. He followed dangerous orders without question. He braved the gun fight with Sitting Bull and his followers. But only as Shave Head lay fatally wounded after the shoot-out did he concede his final acceptance

of white ways. On his death bed he asked for a Catholic priest, or Black Robe, to give him and his soon to be widow a proper Catholic wedding. Both George Sword and Shave Head realized and accepted the domination of white society over their own.⁶²

The Lakota policeman's job included many unattractive aspects. In 1881, Indian Commissioner Hiram Price asked for better pay, better arms, more men, and thus increased appropriations for the police.⁶³ This was only three years after congress initially provided funds for these forces. Originally, Lakota police privates received five dollars a month and officers took in eight dollars every month. Also in 1881, James McLaughlin requested increased pay for tribal police. McLaughlin argued that keeping quality law officers on Lakota reservations required more than sixty dollars a year.⁶⁴ As a comparison, for the War of 1812, "enlistees" in the U.S. Army received five dollars per month, like the Indian police, plus a set of clothing, "and a promise of three months pay and 160 acres of land upon discharge."⁶⁵ Seventy years later a Native America policeman received far less.

The Indian police met with a number of burdensome responsibilities. In most cases they provided their own mounts (ponies) and other necessary supplies. Beyond the required material sacrifice, Indian policeman held little respect among fellow tribesmen. Reservation agents gave

the police respect and appreciation, but agency Lakota saw the matter in a different light. John Gasmann, the Crow Creek and Lower Brule agent in 1884, explained just how his reservation dwellers viewed their law enforcement apparatus. The Lakota of Crow Creek and Lower Brule viewed the Indian police as an enemy. And the majority of Gasmann's wards "bitterly opposed" the reservation force, according to the agent.⁶⁶

From Devil's Lake, in the same year, came a similar report. Agent Cramsie wrote that he barely expected "any man to give his time and incur the ill-will of his neighbors in the discharge of his duties." Cramsie especially doubted anyone becoming a law man when low pay and tribal disrespect resulted from taking the position.⁶⁷ And, it should be noted, tribal ill-will and ridicule played a strong role in punishment for traditional Lakota culture.⁶⁸

George Sword received the disapproval of many Pine Ridge Lakota. In June of 1887, Sword wrote to his former agent, V.T. McGillycuddy, who originated the Pine Ridge force. Sword claimed that the Red Cloud faction constantly worked against him. The Red Cloud faction included the wily old chief, Standing Soldier, American Horse, Spotted Elk, and others. Sword explained that he generated so much adversity because he tried to follow the reservation agent's orders and belonged to the Christian church. Sword included a number of Pine Ridge policemen on his list of

those opposed to the agent and himself.⁶⁹

Receiving the disrespect of other tribal members should be seen from a traditional point of view. Gordon MacGregor called the "most potent forms of social control... criticism, ridicule, and ostracism." Beginning with early childhood, Lakota culture taught a "fear of shame."⁷⁰ From a white cultural perspective, it is clear how low pay and long hours are unattractive. But, from a Lakota standpoint, ridicule likely inhibited joining the police force as much as the economic or personal hardship factors.

Undeniably, the Lakota police forces worked a good deal. They removed trespassers of all sorts, insured attendance in reservation schools, and forcefully prohibited traditional religious practices. They stopped the practice of the Ghost Dance too, considered by some as a legitimate religious effort. They also escorted important visitors, the payrolls, and annuity payments safely to their respective destinations.⁷¹ The majority of Lakota law men gave an extreme amount of time and effort to their job.

The duties performed by reservation police stopped a number of traditional practices in Lakota life. Before the Ghost Dance troubles, police insured adherence to American government policies denying traditional ceremonies like the Sundance, death give-a-ways, and other ceremonies considered "heathenistic" or non-Christian.

Lakota men became police officers for various reasons. While they involved themselves in cultural destruction, the culture they destroyed likely contributed to their acceptance of a police position. Traditional Lakota policing societies instilled the need to keep order in Western Sioux culture. Such a background encouraged a number of officers to unflinchingly perform their assigned duties.

Logic was important too. Sword explained his acceptance of white culture as the only possible choice. Accepting the domination of white society created a dilemma for the Indian policeman. The choice was clearly difficult. Once decided, however, as in the akicita societies of old, the officers largely carried out their orders to the letter, regardless of the consequences.

The tribal police among the Lakota received every praise from their respective agents. Yet the reservation Lakota gave them a cool reception. As George Hyde wrote in A Sioux Chronicle, the Indian police had never been approved among the Lakota, which put the officers in a difficult situation.⁷² And while low pay and consuming work seem highly unattractive, tribal ridicule toward Lakota police represented a stronger traditional obstacle for potential new recruits. Policemen who joined the force over such an obstacle believed strongly in the rightness of their position.

Coerced assimilation defines the United States government's relation with the American Indian in general and with the Lakota in particular. The Indian police imposed the values of Euro-American society on the reservation Lakota. Lakota police linked together the reservation societies with the overpowering white culture. By doing so, they lost any real sense of their own identity. Men like George Sword adopted Euro-American culture because they saw no other avenue. Lakota law men did not necessarily agree with the white cultural values they imposed on their tribe. And, in the end, the police failed as a substitute for traditional control methods.

As a tool for coerced assimilation, the police created greater cultural conflict. As Patricia Limerick, leading light of the new school of western history, clearly pointed out, "the clashes and conflicts of Western History will always leave the serious individual emotionally and intellectually unsettled."⁷³

Chapter Three

Courts of the Lakota

The Courts of Indian Offenses Among the Western Sioux

Doane Robinson, as Secretary of the South Dakota Historical Society, wrote that General William S. Harney first proposed the establishment of Indian courts among the Sioux Nation. A treaty made at Ft. Pierre in 1856 provided such courts. However, the Senate refused to ratify the document. Robinson claimed that Harney intended to make the Lakota accountable to the United States government for their actions.¹ The proposed courts gave total power to a recognized chief (discussed in Chapter One). The chief, if he displeased the United States executive, lost his position. General Harney then proposed courts to keep the Lakota under the American government's control.²

The late nineteenth century Court of Indian Offenses professed to assimilate Native Americans into mainstream culture. In numerous ways, the courts misrepresented the United States system which they strove to illuminate for Native Americans. The reservations studied here include Crow Creek and Lower Brule, Standing Rock, Cheyenne River, Rosebud, Pine Ridge, and Yankton. These examples portray the courts established among the numerous reservations of the Lakota and, in a general sense, the courts placed among all United States Indian reserves. The main similarity was the cultural suppression implemented to bring about speedy assimilation. The courts fully represented the United States' policy of coerced assimilation.

Establishing the reservation judicial system created

a number of problems. For example, the court was not organized to try Indians for serious crimes such as murder and rape. State, territorial, or federal district courts held the jurisdiction for major violations. But State and territorial courts, specifically those located near Lakota reservations, opposed wasting time and money to try an American Indian. Early judges received no pay and, therefore, it was especially difficult to procure suitable magistrates. And when pay for judges was appropriated, finding Lakota men with a sense of Euro-American justice proved difficult. Lastly, the court, based on values foreign to the Lakota mind, opposed traditional Western Sioux culture. Confusion commonly resulted from such a judicial system. Thus a clear exhibition of the United States' concept of equitable justice never appeared from the early Courts of Indian Offenses.

In 1881, Chief Spotted Tail, head chief of the Lakota reservation given his name, was murdered by Crow Dog. Henry Lelar, chief clerk of the Spotted Tail agency, was in charge that particular day, August 5, due to the absence of the agent, John Cook. Lelar claimed the incident occurred because of Black Crow's jealousy. Black Crow desired the leadership position held by Spotted Tail. According to the clerk, Black Crow led a small following including his hit man, Crow Dog.³ A.G. Shaw, who entered the region in 1862 with the 11th Ohio cavalry and remained the rest of his life, further explained. In an interview

with Eli Ricker on September 1, 1907, Shaw said that "just recently" he asked Crow Dog, still living at Rosebud, what motivated him to kill Spotted Tail. According to Shaw, Crow Dog replied that since Crazy Horse's death brought Spotted Tail greater prestige, killing Spotted Tail was perpetrated so others might gain higher status.⁴ By others, he likely spoke of Black Crow. George Hyde, author of A Sioux Chronicle and other accounts of the Lakota, also called the assassination political.⁵ Lelar, Shaw, and Hyde agreed that the Black Crow/Crow Dog faction aspired to the influential position held by Spotted Tail.

Crow Dog was convicted at Deadwood, South Dakota in 1882, and sentenced to hang. The decision changed, however, after the case went to the U.S. Supreme Court. The Supreme Court based its verdict on the belief that the court in Deadwood held no jurisdiction over crimes on an Indian reservation when the specific crime was committed by and upon a tribal resident. And, since Crow Dog reimbursed Spotted Tail's family through ponies and other gifts, according to tribal custom, the case was declared closed.⁶

The oldest son of Spotted Tail took the Crow Dog lesson to heart. He and Thunder Hawk, a Lakota policeman, soon murdered another Rosebud agency (formerly called Spotted Tail agency) Lakota, White Thunder. In his book, A Sioux Chronicle, George Hyde wrote that the murder was motivated by the young Spotted Tail's desire to replace his father as head chief.⁷ The United States government considered

White Thunder a solid ally.⁸ On April 10th, 1883, the Secretary of Interior, Henry M. Teller, approved the establishment of the Court of Indian Offenses.⁹

Doane Robinson claimed that the incidents just described actually led to the development of the Lakota courts.¹⁰ That claim is misleading. The Court of Indian Offenses pursued crimes other than and not including murder. Before March 3, 1885 no court held jurisdiction for offenses such as murder, rape, assault with intent to kill, arson, or burglary perpetrated on an Indian by an Indian. The Crow Dog episode likely contributed to the establishment of Indian courts. But the Court of Indian Offenses' authority never included crimes of a serious magnitude. The case of Ex Parte Crow Dog though caused the United States Congress to act.¹¹ Section nine of the Indian Appropriation Act of 1885 gave the state or territorial courts the right to try Native Americans for serious offenses on or off the reservation and committed on an Indian or non-Indian.¹² Four years later, still unable to get the territorial courts to hear such cases because of the expenses incurred, section eleven of the Indian Appropriation Act extended federal funds to state or territorial courts for the trial of Native Americans.¹³

The Lakota paid no taxes. Local tax paying whites, therefore, considered a Lakota not worthy of the expenditure involved in the judicial process. Proper authority and monetary accommodations, however, did not suffice to induce

territorial or state courts to pursue cases involving Indians. Racism also contributed to the reluctance of state or territorial courts regarding the trial of Indians, especially when the case involved no whites.

For example, when Rosebud resident Swift Bear tried to murder his wife in 1886, no justice could be found. Rosebud had not yet established a Court of Indian Offenses. The Commissioner of Indian Affairs, J. D. C. Atkins, advised the Rosebud agent, George Wright, to persuade local authorities to act. If local courts refused, however, Atkins saw little alternative but setting the prisoner free.¹⁴ And in a similar incident in 1892, after the establishment of the Indian Court, Jack Whipple of Rosebud was seen beating another resident, Grandmother, who had been drinking with him. Grandmother died from the beating. U.S. attorney William Sterling said the federal government could do nothing. The state judicial system, on the other hand, was responsible for the case, not the Court of Indian Offenses. The local authorities, however, still refused to pursue the matter.¹⁵

Establishing courts on the various Western Sioux reservations meant pulling judges from among tribal residents. Recruiting judges proved difficult for a number of reasons. Cheyenne River agency, for instance, established its Court in 1885. Because of jealousies existing among the different factions, some considered progressive and some conservative, choosing judges proved

difficult for Cheyenne River agent William Swan. Swan wisely established a fourteen member council to represent the different divisions of the Lakota residing on his reserve. In 1886 Swan began the three judge system commonly used in Indian Courts. At that time he felt it possible to reach a tribal consensus on three Lakota judges.¹⁶

Relatively speaking, Swan seemed just in choosing his judges. Two Kettles and Roan Bear of the Sans Arc band represented the "civilized Indians." The agent liberally allowed Lazy White Bull, a Minneconjou, to complete the trio of judges. Swan wrote that White Bull represented the "less civilized element."¹⁷ Swan carefully chose his judge nominees from Lakotas that he personally considered qualified for the position.¹⁸ By 1891 though, under the leadership of Perain Palmer, two Judges of episcopal faith and one of Roman Catholic belief presided over the Cheyenne River court.¹⁹ In other words, agents chose judges from among those likely to follow the direction they prescribed.

In his reports to the Commissioner of Indian Affairs for 1890 and 1891, George Wright of Rosebud explained why his agency had yet to establish a court. Wright complained that no dependable Indians were available "without compensation."²⁰ And beyond that, the agent felt that establishing a court only increased the chance of militancy at Rosebud.²¹ Wright's agency suffered from the same type of factionalism felt by Cheyenne River agent Swan. Whether

or not Wright considered imitating Swan's method of numerous judges is unknown. However, in his 1891 report, Wright still reported no action toward the establishment of a Rosebud Court of Indian Offenses.²²

Later in 1891, Rosebud finally created a Court. Commissioner J. P. Morgan sent Wright a letter which ordered said court established. In response to one of Wright's complaints, Commissioner Morgan allowed the agent to compensate judges up to ten dollars per month.²³ Morgan offered little help or advice concerning factionalism among the Rosebud agency Lakota.

According to Doane Robinson, "agents may select [judges] from among the members of the tribe persons of intelligence and good moral character and integrity." And the agents excluded all Lakota practicing polygamy.²⁴ The second condition was easily established. However, the reservation agent decided on the judge's character and integrity. Therefore, white societal norms played a leading role in establishing judges on the tribal courts.

In 1890, the Crow Creek and Lower Brule agency allowed tribal residents to vote for judges. Of course, the agent, A. P. Dixon, nominated the potential magistrates.²⁵ By 1897 though, the Crow Creek and Lower Brule courts received limited applause from their new agent, Fred Treon. Treon considered the previous judges only mediocre. He expected little more from the courts because rarely was an Indian "suited to fill the place of judge."²⁶ Other reservation

agents expressed comparable pessimism.

Reporting from Cheyenne River in 1889, reservation agent H. D. Gallagher explained why he retained the power to settle Indian offenses. In ninety percent of the cases, Gallagher complained, the Indian judges arrived at nothing "like the facts."²⁷ In his report for 1890, Captain Charles Penney stated similar sentiments.

Penney became the acting Pine Ridge agent during the Wounded Knee Massacre. The Indian Bureau received presidential orders to replace civilian Indian agents with military personnel. The chief executive considered an Army officer better suited to ease the unrest enveloping Pine Ridge after the ugly tragedy.²⁸ In no sense, wrote Penney, were the Lakota of Pine Ridge "judicially minded." Such a weakness, according to the captain, made the establishment of a Pine Ridge Indian court impractical.²⁹

Yet by March of 1891, Penney modified his stand. At that time, Captain Penney wrote the Indian commissioner requesting appropriations to pay judges. The Pine Ridge agent asked for ten dollars a month to be paid to each of six judges. Like General Harney in 1856, Penney wanted the "settling of all disobedience to reservation law ... in the hands of their own people and the punishment prescribed by them (to a certain extent)." Penney claimed such measures would remove the Lakotas' feeling of bias against the severity of punishment meted out by whites.³⁰

Various reports to the Commissioner of Indian Affairs

indicate that a number of tribal residents opposed Indian judges. In his report of 1887, J. F. Kinney of the Yankton agency confirmed exactly that. Although judges maintained high esteem with Kinney, Yankton residents mistreated and intimidated them. Kinney wrote that the Indians willingly neglected their farms to serve as judges. The judges pursued a single desire, according to Kinney, "to serve the department."³¹

In service to the Bureau of Indian Affairs, judges at Yankton met with hostility. During the wheat harvesting season of 1887, a Yankton resident named Wastena killed two cows not belonging to him. The Bureau of Indian Affairs regulated when and which reservation cattle could be slaughtered. The Bureau incorporated this on reservations to encourage ranching. The court found Wastena guilty as charged and sentenced him to thirty days in the guard house. The agent, however, decided to suspend the sentence so Wastena would be able to cut his crop. Wastena cut his wheat but never returned to fulfill his sentence.

At Yankton, Wastena was considered a dangerous adversary. Agent Kinney wrote in his report for 1887 that the Yankton police feared Wastena. Nevertheless, the Yankton constables arrested the fugitive and successfully corralled him in the agency jail. At this point, Wastena threatened to kill each judge responsible for his incarceration.

Six days later, Wastena's brother liberated the

prisoner. Breaking the lock which secured Wastena's cell door made the escape possible. The police captain immediately tried to stop the escape and Wastena, wielding a knife, attacked the officer. The captain luckily eluded injury, but the chase was on. Wastena remained at large, however, because a number of his friends openly expressed their willingness to help him fight off the police. Agent Kinney ordered his police force to discontinue their efforts due to the "certainty of bloodshed."³²

Charles McChesney, the Cheyenne River agent in 1888, faced similar, if less severe, problems. At his agency judges "often incur the displeasure of their people, and sometimes their property is clandestinely injured by Indians who feel themselves aggrieved at the action of the judges."³³ And from the same year's report at Crow Creek and Lower Brule agency, written by agent W.W. Anderson, comes further proof of tribal opposition toward Indian judges. Anderson wrote that, without proper pay for the Lakota judges, installing a Court of Indian offenses was unthinkable. No tribal residents could be found willing to receive the ill-will which resulted from the court's unpleasant duties without compensation.³⁴

The story of Wastena presents a fine example of the cultural differences forced upon the Lakota by Indian courts. Wastena's jail time revolved around a wheat harvest. According to Kinney, time in jail was a particularly un-Indian method of punishment.³⁵ And his

crime was shooting cattle, which only became a factor on reservations after the white man's wanton destruction of the buffalo. The story exemplifies the attempt by Euro-American culture to "civilize" the Lakota through coerced assimilation.

Commissioner Atkins relayed the true reasons for the Court of Indian Offenses in the annual Commissioners report in 1885. According the Commissioner,

it was found that the longer continuance of certain old heathen and barbarous customs, such as the sun-dance, scalp-dance, war-dance, polygamy, &c, were operating as a serious hindrance to the efforts of the Government for the civilization of the Indians.³⁶

In 1890, Commissioner of Indian Affairs, T. J. Morgan, wrote in similar terms. The courts originated from a message which Morgan received from the Secretary of the Interior. The communication suggested using the Court of Indian Offenses to prohibit "specified barbarous and demoralizing practices among the Indians."³⁷

In 1908, Pine Ridge agent John R. Brennan explained the crimes punishable by the Court of Indian Offenses. The court prohibited the Sun-dance or any other dances considered religious ceremonies among the Pine Ridge Lakota. For the initial offense of this sort, the guilty party lost rations for up to ten days. A repeat offender lost rations from fifteen to thirty days or received a jail term of no more than thirty days.³⁸

Polygamy was another Indian Offense. If convicted, practicing polygamists received a twenty dollar fine, hard labor, or both.³⁹ The court's responsibility included insuring that members of the reservation moved toward white societal mores. In other words, the agent and the Bureau of Indian Affairs pressed white cultural values upon Lakota society through the Court of Indian Offenses.

Polygamy obviously deviated from mainstream white culture. But tribal justices also punished less blatant moral offenses. The Bureau of Indian Affairs, creator of the courts, wanted Lakota men to support their families. The Court held rations from those men proven a failure in providing for their families. The offender received rations only when he assured the court and the agent that he intended to provide "for his family to the best of his ability."⁴⁰ Since only head of households received ration tickets, the offender's family also went without.

The Court of Indian Offenses blotted out the influence of medicine men when possible. According to Agent Brennan, these evil doers hindered the Lakotas' efforts toward civilization. When found guilty of such a crime, the violator stayed at least ten days in the guard house. After the required ten days, the agent might release the prisoner. Securing such a release required the prisoner to convince the agent that he planned to discontinue all efforts as a healer.⁴¹

The Lakota courts also inhibited the cultural tradition

of destroying the property of a deceased Lakota by his or her family or friends. And giving gifts to a desirable female's parents in return for the woman became illegal. For such offenses, sixty days imprisonment or an indefinite loss of rations resulted. The reservation agent decided the exact term of the empty stomach.⁴²

Enforcing Euro-American values upon the traditional native culture presented many obstacles. The Lakota people commonly misconstrued the cultural values forced upon them. And more importantly, the dominant culture misunderstood the Lakota and made little serious effort to comprehend the culture it oppressed.

The number of cases involving bigamy represents one of the natural cultural conflicts. Agents' reports from the last decades of the nineteenth century commonly recorded cases of polygamy, girl stealing, and throwing away wives. Cases such as these involving divergent cultural norms frequently concerned various reservation agents.

For instance, in 1886, the Yankton Indian Court found one Lakota guilty of a "forcible outrage" against another's wife. The agent reported his shock when the husband - civilized in dress, habits, and able to read - accepted a pony as just punishment of the offender.⁴³ And at the Lower Brule reserve in 1889, the court tried four rape cases. Three accused rapists received a not guilty verdict, while the one convicted offender paid a ten dollar fine.⁴⁴ The Indian judges issued such penalties, according to

Yankton agent Kinney, because prison confinement conflicted "with all the Indian notions and customs." However, with Kinney's guidance, fines and penalties issued by the Yankton court tended to remedy troublesome traditional opinions and manners.⁴⁵

Another case at Cheyenne River agency in 1892 exhibits the ways in which white culture clashed with traditional Lakota customs. During one particular episode in front of the Cheyenne River court, a Lakota man accused of stealing a trinket worth thirteen cents and another charged with rape stood before the court. The Court found both men guilty. The Cheyenne River judges issued a thirty day jail sentence for stealing the petty trinket. The convicted rapist though received ten days in the guard house.⁴⁶ Clearly, a great deal of cultural differences created court decisions by Indian judges considered undesirable from the Euro-American perspective.

Agents employed hypocritical tactics in the attempt to assimilate the Lakota with white America. It is obvious that the BIA, through Courts of Indian offenses, intended to bring the American judicial system to Indian reservations. Knowledge of the enlightened American ideology would then lead the Lakota people toward a higher state of civilization. Often, however, agents used a system foreign to the ideal of American justice. Standing Rock agency under James McLaughlin illustrates the point.

Agent McLaughlin used a conspicuously non-American

system of punishment to teach reservation dwellers at Standing Rock equitable American justice. Similar to territorial or state courts, McLaughlin ordered his judges to confiscate weapons in cases of assault using such arms. But the Standing Rock agent would not stop at that. McLaughlin reported that punishment for an Indian offense of any nature consisted of the confiscation of fire-arms. In the 1887 report to the Indian commissioner, Standing Rock reported a total of fourteen revoked rifles and five revolvers.⁴⁷ Even less demonstrative of the United States judicial system, McLaughlin claimed fire-arms from relatives of guilty parties when the convicted party was without.⁴⁸

Agent McLaughlin's motive for confiscation of weapons corresponded to the goals of the Bureau of Indian Affairs. McLaughlin wanted the Standing Rock Indians to take better care of their farms.⁴⁹ Confiscation of the Lakotas' means to hunt, namely their weapons, removed another harmful obstacle in the way of their civilization. However, such methods did not display equitable justice. By taking weapons from innocent tribal members or those convicted of petty crimes not related to the use of a weapon, McLaughlin misrepresented the United States penal system. Other crimes tried at Standing Rock during McLaughlin's tenure included "Evil Speaking" and "Malicious lying."⁵⁰ So at Standing Rock, McLaughlin coerced assimilation yet incorrectly represented the culture which the Lakota was to imitate.

The idea of the Lakota courts theoretically began as a means to allow the Sioux Nation to govern their own. Of course the Bureau of Indian Affairs prescribed all aspects of the Lakota self-government. And the Lakota self-government answered to the United States government. Clearly, the courts, as with the police, encouraged the Lakota toward United States governmental and Indian Bureau ideology of a more enlightened "civilization."

In founding courts on the reservations among the Lakota, some problems arose. Procuring Indian judges acceptable to their agents proved a difficult task. The early judges received no compensation other than feeling good about helping the government. And in many instances, tribal factionalism prohibited the practical use of the three judge system called for in the court's origin.

Overcoming all of these obstacles in no way guaranteed that the courts operated desirably. For instance, the difference between traditional Lakota and Euro-American societies caused confusion and misunderstanding among the tribal judges. Also, placing tribal residents in jail led to threats and ill-will from fellow tribesmen. Agents retained the final say. With power given to agents and natural human diversity, uniformity never appeared in courts among the Lakota. And to make understanding far more difficult, policies enforced through the tribal courts skewed the ideologies expressed as the American way. By implementing methods not employed in a similar white court,

as did James McLaughlin, the agents surely added to the confusion of cultural differences already felt by native judges.

Forcing assimilation upon the Lakota could not be done in a few decades of Indian courts and police. Allowing the Lakota time to understand white culture needed to be part of the plan. Also, the white culture exhibited many of its worst aspects to the Indians: dogmatic domination, hypocrisy, and oppression. Furthermore, the Euro-American culture refused to make any real effort to understand the traditional Lakota culture. No relationship, personal, national, or cultural, can or will succeed with no consideration for each others' values, morals, and beliefs. Those considerations played no role in the early Courts of Indian Offenses as used to coerce the Lakota into the Euro-American culture.

Conclusion

The Hindsight Perspective

The After-thoughts on Late Nineteenth and Early Twentieth
Century Indian Policy

During President Franklin Roosevelt's tenure in office, John Collier became the Commissioner of Indian Affairs. Collier, an avid Indian reformer, proposed sweeping changes in American Indian policy. The new commissioner, in office from 1933 to 1945, advised returning the power of government to the tribes. Collier's programs and his success or failure would be a new study. However, the need for sweeping change devolved from the failures of previous policy.

In his memoirs, From Every Zenith, Collier provided his view of past Indian policy. He denounced the previous government actions as created to destroy the links between the Native American past and present. Collier argued that the Indians' heritage remained an important part of their future. Collier blamed the United States for killing Native American vernacular, crushing traditional customs, and forcing the American Indian to be an artificial Euro-American. Collier also expressed his opinion that all government policy, until the Indian New Deal which he implemented, was "mantled over by the concept of racial inferiority and racial doom."¹ Further, Collier stated that all government Indian workers (BIA employees) by 1922 knew that the past policies required change or all Indian cultures and their members would perish.² And lastly, Collier accused the United States Indian policy, between 1820 and 1930, of being motivated by "economic exploitation" and based on ethnocentricity.³

In 1934, Oliver Lafarge, expressed what he felt created the oppressive policies of the era between 1870 and 1930. LaFarge authored the Pulitzer Prize winning novel Laughing Boy and was President of the National Association on Indian Affairs. He called the nineteenth and early twentieth century an era,

when we were all blissfully convinced that nothing was wrong with our civilization or our economic system, and that the greatest boon we could bestow upon an alien people was to make them just like ourselves.

LaFarge, of course, spoke of Euro-American civilization.

George Hyde, who authored several books concerning the Lakota including A Sioux Chronicle, detailed the reservation situation in the late nineteenth century. Hyde stated that from 1878 to 1890 the Lakota tried to maintain their traditional existence. At the same time, asserted Hyde, the United States policy makers, "visionaries who knew practically nothing about wild Indians," greatly hindered the Lakota. The government's effort focused on breaking down the tribe, destroying the chiefs, and forcing the Lakota to accept white domination, professed Hyde. He also saw the policy makers only justification as tampering with another culture's existence. Coercing the Lakota to accept Euro-American values, lamented Hyde, constituted the major flaw in United States Indian policy of the period.⁵

The Author of The Sioux: Life and Customs of a Warrior

Society, Royal Hasserick stated this sentiment: "In a very frightening sense the Sioux are victims of the white man's insistence that others accept his way as the only way of life."⁶

Robert Burnette and John Koster in The Road to Wounded Knee, agreed with Collier, Lafarge, Hyde, and Hasserick. After the United States Army forced the Lakota onto reservations, wrote Burnette and Koster, the Bureau of Indian Affairs assumed the "role of cultural assassin."⁷ The miserable conditions on Lakota reservations during the latter nineteenth and early twentieth century, which continue today, resulted from severe cultural destruction. The attempt by the American government to "force the Indians into the melting pot" enhanced the cultural breakdown.⁸ And, continued Burnette and Koster, the period from 1890 to 1920 saw increasing despair and degeneration on Lakota reservations. United States government policy of the nineteenth century, asserted Burnette and Koster, brought great turmoil to the Lakota nation.⁹

Patricia Limerick, leading light of the new school of western history, presented a modern source of dissatisfaction with the late nineteenth and early twentieth century Indian policy. In her book, The Legacy of Conquest: The Unbroken Past of the American West, Limerick condemned viewing the American Indian without considering them disparate, complex peoples.¹⁰ She claimed that in the past Indian reformers wanted to "kill Indianness."

Destroying the savage Indian liberated the civilized Euro-American within. To destroy the Indians' past, professed Limerick, the reformers worked on the assumption "that inside every Indian was a white American citizen and property holder waiting to be set free."¹¹

The above criticism of the late nineteenth and early twentieth century Indian policy points out that era's ideology. Few Euro-Americans disagreed with the natural superiority of white civilization. Scientists like John Wesley Powell of the Bureau of American Ethnology and the influential Lewis Henry Morgan promoted civilization over savagery. Popular authors of the late nineteenth century included Josiah Strong, who believed the white race would "Anglo-Saxonize" mankind.¹² John W. Burgess received acclaim for his 1890 work, Political Science and Comparative Constitutional Law, which espoused forced political organization upon "unpolitical populations."¹³ The United States clearly viewed the Lakota as an "unpolitical population."

The United States military establishment wanted the Lakota, as the strongest of hostile tribes, to follow the laws of American government. Military officers asserted that coerced assimilation uplifted Native Americans toward civilization. They also realized that "civilizing" the Lakota destroyed a formidable enemy. Euro-American law and values constituted the means for Indian civilization and the end to a serious military threat.

The Secretary of Interior in 1883, Henry M. Teller, wrote his opinion of what hindered the American Indians' advance toward civilization. Heathen dances and feasts, polygamy and easy divorce, influential medicine men who kept the Indians "non-progressive," and destruction of property at death retained the Indian on a lower cultural plane.¹⁴ Employees of the Bureau of Indian Affairs largely agreed. Only civilized pursuits like farming and ranching brought lower staged peoples to enlightened civilization. Forcing policies requiring the Lakota to become farmers or ranchers caused tremendous conflict.

The Lakota police forces became one tool which agents used to destroy traditional culture. From forcing Lakota children to alien mission schools to prohibiting the practice of traditional ceremonies, the police discouraged Lakota customs and institutions. Lakota society historically used policing societies (akicitas) to establish law and order. However, the first generation of reservation policemen contributed to a less stable society. The akicita societies of traditional Lakota culture helped maintain good order.

Individual officers probably believed their positions helped the Lakota. George Sword of Pine Ridge, for instance, realized the white man's western advance necessitated Lakota conformity. As Stanley Vestal pointed out in New Sources of Indian History, the Indian Bureau of the 1880's expected the Lakota to accept white culture

"lock, stock and barrel."¹⁵ Reservation law men in no way betrayed their culture. They very likely chose their positions as policemen because little else was available. And when they promoted and coerced other Lakota toward the white man's ways, they likely felt it inevitable anyway. For individual officers as well as the reservation populations, the position of police officer among the Lakota created conflict and confusion.

The reservation Courts of Indian Offenses further promoted the customs and values of white Christian America. Polygamy caused a great deal of consternation among reservation agents. The court system allowed little of Lakota cultural values. The Indian judges decided on cases, yet their decisions changed if the agent disapproved. As with the law men, judges surely saw themselves doing positive work for their people. They clearly accepted the position for reasons other than pay. Of course, traditional Lakota society valued giving more than accumulation, which partly explains the magistrates' acceptance of their seat with so little remuneration.

Thomas Biolsi recently published a work titled Organizing the Lakota: The Political Economy of the New Deal on the Pine Ridge and Rosebud Reservations. The book's focus mainly concerns the New Deal policies of John Collier. In the first chapter though, Biolsi identified the pre-Collier era courts and police on Pine Ridge and Rosebud as a part of the "control and surveillance" of the BIA,

later called the Office of Indian Affairs (OIA).¹⁶ His point is valid. The police and courts implemented the United States policy of coerced assimilation.

In the end, coerced assimilation resulted far differently than the policy makers suspected. The ideas presented by the scientific community, the military establishment, and the government Indian bureau failed when implemented on the Lakota reservations. Cultural difference and the ethnocentrism of Euro-America created a conflict which proved impossible to settle satisfactorily. The tools, such as the police and courts, used to implement coerced assimilation failed largely due to misunderstanding from both sides. Neither the Lakota nor the United States considered the late nineteenth and early twentieth century Indian policy successful. That period's coerced assimilation and its tools for implementation produced resentment, misunderstanding, and continued conflict.

End notes, Chapter One

¹John Wesley Powell, "Introduction," in 3rd Annual Report of the Bureau of American Ethnology 1882-83 (Washington D.C.: Government Printing office, 1884), xxxv. Since all Bureau of American Ethnology reports have been printed at the American government's printing office, future cites of the Bureau will not include publishing information. Also, the Bureau of American Ethnology will hereafter be abbreviated as BAE.

²_____, "Introduction," in 1st Report of BAE, 1879-80, xxiv.

³Ibid.

⁴Powell, "Introduction," 2nd Report of BAE, 1880-81, xix.

⁵Ibid., xviii.

⁶Ibid., xix.

⁷Ibid.

⁸Powell, "Limitations to the Use of Anthropologic Data," in 1st Report of BAE, 1879-80, 77.

⁹Ibid.

¹⁰Powell, "Introduction," in 1st Report of BAE, 1879-80, xxix.

¹¹Ibid., xxviii.

¹²Ibid.

¹³Ibid., xxix.

¹⁴Ibid., xxx.

¹⁵Ibid.

¹⁶Ibid., xxx.

¹⁷Powell, "Report of the Director," in 3rd Report of BAE, 1881-82, lvii.

¹⁸Ibid., lviii.

¹⁹Ibid., lix.

²⁰Lewis Henry Morgan, "The Indian Question," The Nation,

28 November 1878, 332.

²¹Ibid.

²²Robert Bieder, Science Encounters the Indian; The Early Years of American Anthropology (Norman: University of Oklahoma Press, 1986), 213.

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²⁴Morgan, "Athenian Democracy," The New York Quarterly 2 (1853): 341, As quoted in Bieder, Science Encounters, 198.

²⁵_____, "Factory System for Indian Reservation," The Nation, 27 July 1876, 58, and "The Hue-and-Cry Against the Indians," The Nation, 20 July 1876, 41.

²⁶_____, "Hue-and-Cry," 41.

²⁷_____, "Factory System," 58.

²⁸Bieder, Science Encounters, 239.

²⁹Morgan, "Indian Question," 332.

³⁰Ibid., 333.

³¹Senate Ex. Doc. no.94, 34th Congress, 1st sess., with title: Minutes of a Council held at Ft. Pierre, Neb. Terr. March 1, 1856.

³²Ibid.

³³Ibid.

³⁴Ibid., Included in the Ft. Pierre Council's minutes is various correspondence to the Pres., Secretary of War, Commissioner of Indian Affairs, and etc. which pertains to the council.

³⁵Doane Robinson, "Sioux Indian Courts," in Collections of the Historical Society of South Dakota, 5 (1910): 410.

³⁶Richard Irving Dodge, Our Wild Indians: Thirty-Three Years Personal Experience Among the Red Men of the Great West (Washington D.C.: Worthington and Company, 1882, repr., Williamstown, Mass.: Corner House Publishers, 1978), 42.

³⁷Ibid., 252.

³⁸Ibid., 54.

³⁹Ibid., 50.

⁴⁰Ibid., 56-7.

⁴¹Ibid., 91.

⁴²Ibid., 91-2.

⁴³Dodge, The Plains of North America and Their Inhabitants, ed. Wayne R. Kime (London: Associated University Presses, 1989), 362.

⁴⁴_____, Wild Indians, 280.

⁴⁵_____, The Plains, 362-3.

⁴⁶Ibid.

⁴⁷Ibid.

⁴⁸Ibid., 362.

⁴⁹Ibid., 363.

⁵⁰George A. Custer, My Life on the Plains, or Personal Experiences with Indians, with an Intro. by Degar I. Stewart (Norman: University of Oklahoma Press, 1962), 147-8.

⁵¹Ibid.

⁵²Department of the Interior, Indian Affairs, Annual Report of the Commissioner of Indian Affairs, 1872 (Washington D.C.: Government printing Office, 1872), p.9, all future cites of Commissioner's reports and agent's reports will be abbreviated as AR for Annual Report and will not include publishing information.

⁵³Ibid.

⁵⁴Ibid., 10.

⁵⁵Ibid., 9.

⁵⁶Ibid., 11.

⁵⁷Ibid.

⁵⁸AR of the Commissioner of Indian Affairs, 1874, 16.

⁵⁹Ibid.

⁶⁰AR of J.J. Saville, in AR of the Commissioner of Indian Affairs, 1874, 252.

61 AR of the Commissioner of Indian Affairs, 1877, 1.

62 Ibid., 1-2.

63 Ibid., 2.

64 AR of J.H. Hammond, Dakota Superintendent of Indian Affairs, in AR of the Commissioner of Indian Affairs, 1877, 49.

65 Ibid., 50.

66 Ibid.

67 Ibid.

68 Powell, "Introduction," 1st Report of BAE, 1879-80, xxx.

69 Ibid.

70 Powell, "Report of the Director," 3rd Report of BAE, 1882-83, lvii.

71 Dodge, Wild Indians, 92.

72 Custer, My Life, 148.

73 Senate Ex. doc. no.94, 34th Congress, 1st sess., with title: Minutes of a Council held at Ft. Pierre, Neb. Terr. March 1, 1856, Correspondence from Jefferson Davis to the President of the United States.

74 AR of the Commissioner of Indian Affairs, 1872, 11.

75 Ibid., 1874, 16.

76 Ibid., 1877, 1.

End Notes, Chapter Two

¹General Services Administration National Archives and Records Service, Region 6, Inventory of records and general information, Compiled by Harry Svanda, March 1968, Appendix X, p.1, The entire Sioux Nation consists of three distinct divisions - Dakota, Nakota, and Lakota. Within the divisions are a number of bands. The Lakota division is the main focus of this work.

²AR of William Dougherty, in AR of the Commissioner of Indian Affairs, 1881, 293.

³AR of George Wright, in AR of the Commissioner of Indian Affairs, 1890, 62.

⁴AR of E.W. Foster, in AR of the Commissioner of Indian Affairs, 1891, 427.

⁵Ibid.

⁶National Archives, Central Plains Region, Records of the Bureau of Indian Affairs, Box 358, Rosebud Agency General Correspondence file, 1878-1933.

⁷Ibid.

⁸Ibid.

⁹Ibid.

¹⁰Ibid., Box 353.

¹¹Ibid., Box 358.

¹²Ibid.

¹³Ibid., Box 359.

¹⁴Ibid.

¹⁵Ibid.

¹⁶Ibid.

¹⁷Ibid., Box 358.

¹⁸Ibid., Box 359.

¹⁹Ibid.

²⁰Ibid.

21Ibid.

22Ibid.

23Ibid.

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25Lester George Moses, The Indian Man: A Biography of James Mooney (Chicago and Urbana: University of Illinois Press, 1984), 91.

26Washington Matthews, review of The Ghost Dance Religion and the Sioux Outbreak of 1890, by James Mooney, in Journal of American Folklore 10 (July, 1897): 249.

27Nebraska State Historical Society, "Biographical Note" in Manuscript Records of Eli Seavey Ricker.

28Ricker tablets, Nebraska State Historical Society, Tablet 15, Microfilm, reel 3.

29William Brandon, Indians (New York: American Heritage Press, 1985), 328.

30Royal Hasserick, The Sioux; Life and Customs of a Warrior Society (Norman: University of Oklahoma Press, 1964), 174.

31Ibid., 209.

32William John McGee, "The Siouan Indians," in 15th Report of BAE, 1895-96, 186.

33Gordon MacGregor, Warriors Without Weapons: A Study of the Society and Personality Development of the Pine Ridge Sioux (Chicago: University of Chicago Press, 1946), 95, and Hasserick, The Sioux, 147.

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35George Hyde, A Sioux Cronicle (Norman: University of Oklahoma press, 1956), 242.

36Stanley Vestal, New Sources of Indian History (Norman: University of Oklahoma Press, 1934), 342.

37National Archives, Central Plains region, Records of the Bureau of Indian Affairs, Box 358, Rosebud Agency General Correspondence file, 1878-1933.

³⁸James Mooney, The Ghost Dance Religion and the Sioux Outbreak of 1890, original publication in 14th Report of BAE, part 2 (Washington D.C.: Government Printing Office; repr., New York: Dover Publications, 1973), 844.

³⁹James McLaughlin, My Friend the Indian (Boston: Houghton Mifflin, 1910; repr., Seattle: Superior Publishing, 1970), 24-26, in appendix.

⁴⁰James Walker, Lakota Belief and Ritual (Lincoln: University of Nebraska Press, 1980), 9.

⁴¹James C. Olson, Red Cloud and the Sioux Problem (Lincoln: University of Nebraska Press, 1965), 237.

⁴²Walker, Belief and Ritual, 47.

⁴³Ibid., 75.

⁴⁴Ricker Tablets, Microfilm, Tablet 16, reel 4.

⁴⁵Walker, Belief and Ritual, 47.

⁴⁶AR of Perain Palmer, in AR of the Commissioner of Indian Affairs, 1891, 389.

⁴⁷Vestal, New Sources, 85.

⁴⁸McLaughlin, My Friend, 20-1, from appendix.

⁴⁹AR of the Commissioner of Indian Affairs, 1885, xxiii.

⁵⁰Ibid, 1886, xxix.

⁵¹AR of George Wright, in AR of the Commissioner of Indian Affairs, 1890, 62.

⁵²AR of the Commissioner of Indian Affairs, 1885, xxiii.

⁵³AR of William Swan, in AR of the Commissioner of Indian Affairs, 1885, 16.

⁵⁴AR of J.F. Kinney, in AR of the Commissioner of Indian Affairs, 1886, 100.

⁵⁵National Archives, Central Plains Region, Records of the Bureau of Indian Affairs, Box 359, Rosebud Agency General Correspondence file.

⁵⁶Hasserick, The Sioux, 20.

⁵⁷Ibid., 21.

⁵⁸AR of the Commissioner of Indian Affairs, 1888, xxviii.

⁵⁹Ricker Tablets, Microfilm, Tablet 16, reel 3.

⁶⁰Walker, Belief and Ritual, 74.

⁶¹National Archives, Central Plains Region, Records of the Bureau of Indian Affairs, Box 37, Pine Ridge Agency, Letters sent to the Commissioner of Indian Affairs, 1889-90.

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⁶³AR of the Commissioner of Indian Affairs, 1881, xvii.

⁶⁴AR of James McLaughlin, in AR of the Commissioner of Indian Affairs, 1881, 34.

⁶⁵Mary Beth Norton et al., A People and A Nation; A History of the United States (Boston: Houghton Mifflin, 1990), 227.

⁶⁶AR of John Gassman, in AR of the Commissioner of Indian Affairs, 1885, 22.

⁶⁷AR of John Cramsie, in *Ibid.*, 27.

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⁶⁹V.T. McGillycuddy Papers, NARS Microfiche publication.

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⁷²Hyde, Sioux Chronicle, 251.

⁷³Limerick, Legacy of Conquest, 221.

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¹Doane Robinson, "Sioux Indian Courts," in Collections of the Historical Society of South Dakota, 5 (1910): 408.

²Senate Ex. doc. no.94, 34th Cong., 1st sess., with title: Minutes of a Council held at Ft. Pierre, Neb. Terr., March 1, 1856.

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⁴Ricker Tablets, Nebraska State Historical Society, tablet 11, microfilm, reel 3.

⁵George Hyde, A Sioux Chronicle (Norman: University of Oklahoma Press, 1956), 62.

⁶Ibid., 63-6.

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⁸Doane Robinson, "History of the Sioux Indians," in Collections of the Historical Society of South Dakota, 2.2 (1904): 453.

⁹AR of the Commissioner of Indian Affairs, 1885, xxii.

¹⁰Robinson, "History of the Sioux," 453.

¹¹Felix Cohen, Handbook of Federal Indian Law with a Forward by Harold Ickes and Intro. by Nathan Margold (Washington D.C.: Government Printing Office, 1942), 147.

¹²AR of the Commissioner of Indian Affairs, 1889, 24.

¹³Ibid., 26.

¹⁴National Archives, Central Plains Region, Records of the Bureau of Indian Affairs, book 111, Rosebud Agency Letters Received from Commissioner of Indian Affairs.

¹⁵Ibid., box 359, Rosebud agency general correspondence file.

¹⁶Harry H. Anderson, "Cheyenne Agency at Ft. Bennett," in Collections of the Historical Society of South Dakota, 28 (1956): 497-8.

¹⁷Ibid., 498.

¹⁸AR of William Swan, in AR of the Commissioner of Indian Affairs, 1885, 16.

¹⁹AR of Perain Palmer, in AR of the Commissioner of Indian Affairs, 1891, 389.

²⁰AR of George Wright, in AR of the Commissioner of Indian Affairs, 1890, 63.

²¹AR of George Wright, in AR of the Commissioner of Indian Affairs, 1891, 414.

²²Ibid.

²³National Archives, Central Plains Region, Records of the Bureau of Indian Affairs, Rosebud agency, box 358, Rosebud agency general correspondence file.

²⁴Doane Robinson, "Sioux Indian Courts," 409.

²⁵AR of A.P. Dixon, in AR of the Commissioner of Indian Affairs, 1891, 397.

²⁶AR of Fred Treon, in AR of the Commissioner of Indian Affairs, 1897, 266.

²⁷AR of A.D. Gallagher, in AR of the Commissioner of Indian Affairs, 1889, 154.

²⁸AR of the Commissioner of Indian Affairs, 1891, 131, in this report Commissioner T.J. Morgan incorporated a copy of the presidential order for military supervision on Lakota reservations after the Wounded Knee Massacre.

²⁹AR of Captain Charles Penney, in Ibid., 409.

³⁰National Archives, Central Plains Region, Records of the Bureau of Indian Affairs, box 37, Pine Ridge Agency, Letters sent to the Commissioner of Indian Affairs, 1889-90.

³¹AR of J.F. Kinney, in AR of the Commissioner of Indian Affairs, 1887, 62-3.

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³³AR of Charles McChesney, in AR of the Commissioner of Indian Affairs, 1889, 134.

³⁴AR of W.W. Anderson, in Ibid., 136.

³⁵Ibid., 54.

³⁶AR of the Commissioner of Indian Affairs, 1885, xxi.

³⁷AR of the Commissioner of Indian Affairs, 1890,
lxxxiii.

³⁸Robinson, "Sioux Courts," 410.

³⁹Ibid.

⁴⁰Ibid.

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⁴²Ibid., 412.

⁴³AR of J.F. Kinney, in AR of the Commissioner of Indian Affairs, 1887, 54.

⁴⁴AR of A.P. Dixon, in AR of the Commissioner of Indian Affairs, 1890, 49-55.

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⁴⁶Robinson, "Sioux Courts," 413.

⁴⁷AR of James McLaughlin, in AR of the Commissioner of Indian Affairs, 1887, 52-3.

⁴⁸Robinson, "History of the Sioux," 455.

⁴⁹AR of James McLaughlin, in AR of the Commissioner of Indian Affairs, 1887, 53.

⁵⁰AR of the Commissioner of Indian Affairs, 1890,
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End Notes, Conclusion

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- ⁹ Ibid., 14.
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- ¹¹ Ibid., 196.
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- ¹³ Ibid., 9.
- ¹⁴ Department of the Interior, Indian Affairs, Annual Report of the Secretary of the Interior, 1883 (Washington D.C.: Government Printing Office, 1883), xi-xii.
- ¹⁵ Stanley Vestal, New Sources of Indian History (Norman: University of Oklahoma Press, 1934), 274.
- ¹⁶ Thomas Biolsi, Organizing the Lakota; The Political Economy of the New Deal on the Pine Ridge and Rosebud Reservations (Tucson: University of Arizona Press, 1992), 29.

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