

A Natural Reaction of Human Beings

By Maria Elena Garcia

Prior to the 1770's, the Sioux tribes held the territories extending from Minnesota to the Rocky Mountains and from the Yellowstone River to the Platte River. They enjoyed unlimited food supply, furnished by the millions of buffalo living on the hundreds of miles of free range land. Until the year 1868, the Sioux were the richest and proudest of the Native American tribes of the northwestern plains. The efforts by the United States government to take away their most precious land and the failure of the government to provide for the Sioux what their land had previously provided for them caused a natural violent reaction by the Sioux. The violent reaction by the Sioux in the winter of 1890 was called the Sioux Outbreak. Indeed, the Sioux tried to break away from the confinement of their reservations and from the desperate situation they were placed in by the United States government.

The Northwest Ordinance of 1787 was enacted by Congress in order to establish justice in matters concerning Native Americans. As cited in Edward Lazarus's *Black Hills, White Justice*, this policy assured Native Americans the following:

The utmost good faith shall always be observed towards the Indians; their land and property shall never be taken away from them without their consent; and in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them and for preserving peace and friendship with them. <1>

The Northwest Ordinance of 1787 became obsolete with regard to the Sioux because in the following years, the Sioux were either tricked or forced into selling their lands. The wars that the United States government undertook against the Sioux were based on unjust principles and numerous unlawful procedures. These will be explored when discussing the 1875 war between the United States and the Sioux Nation. In analyzing the agreements that the United States made with the Sioux, one can see that they were not "founded in justice or humanity," as the Northwest Ordinance proposed, but on what was in the best interest for the Anglo-American power system.

The Fort Laramie Treaty of 1851 can be considered the only genuine step taken by the United States government to comply with the promise made in the Northwest Ordinance that "their land and property shall never be taken from them without their consent." The Fort Laramie Treaty of 1851 recognized Sioux ownership of sixty million acres of land. In the process of establishing this treaty, the largest assembly of Native Americans gathered in one place. The entire Sioux Nation agreed upon and was represented in the making of this treaty.

A significant point established in the Fort Laramie Treaty was the recognition by the Sioux that the United States government had the right to construct roads and military

posts within their territory. Here, the Sioux also bound themselves to make restitutions for all crimes committed against citizens of the United States. For their part, the United States agreed to protect the Sioux from the plunder of Americans moving to the West. Indeed, the most important aspect of this treaty was that the promise made by the United States government was intended to compensate for past grievances suffered by the Sioux due to the white American territorial intruders. In addition to the protection promised to the Sioux, the Fort Laramie Treaty initially included a payment of fifty thousand dollars each year for fifty years to the Sioux people.

Before the Fort Laramie Treaty was passed by Congress, it was amended. The most significant change was that Congress considered the fifty year annuity plan excessive and reduced it to ten years. This step taken by Congress was contrary to the Northwest Ordinance's promise that "laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them [Native Americans]." The annuity reduction by the United States government would greatly affect the future of the Sioux.

For hundreds of years, the Sioux's survival depended on their hunting. The advancement of the white population to the northwestern plains was causing the annihilation of the buffalo. The Sioux's future depended on their ability to shift from a hunting society to an agrarian society. The fifty year annuity plan was designed to help the Sioux adapt slowly to a new way of life. The forty year annuity reduction practically obliterated any chance of meeting this goal. This amendment was unknown to the Sioux tribes at the signing of the treaty. The failure of the United States to communicate this change to the Sioux tribes was the first indication that the government would not honor its own treaties and would continue to renege on its promises.

The Fort Laramie Treaty proved useless. A short and tenuous peace of three years was its only consequence. The United States government and the Sioux tribes failed to follow the indications of the treaty.

In the following years, Anglo-American attitude toward the Native American began to change drastically. This change can be seen in excerpts from documents which the House of Representatives for the state of Dakota (presently North and South Dakota), Walter Burleigh, directed to Congress in June 6, 1866:

... and the Indian must either willingly or reluctantly surrender his claim to the soil, and abandon his birth right to the hardy pioneers of civilization. While the miserable Indian with his inferior surroundings, has deserted his former hunting grounds and is fast passing away before the steady advance of the white man, for whose inheritance this country seems to have been especially created. <2>

Although one man's ideas and opinions can not represent the feelings of an entire population, they can express a general consensus. Walter Burleigh represented the state of Dakota, hence a significant portion of the United States population at that time.

When comparing the Northwest Ordinance to the above excerpt, one can see that United States's change of policy regarding Native Americans was a matter of public knowledge. The United States government was turning out to be less flexible and considerate in its dealing with Native Americans. The economic and territorial interests of the United States had become a priority over the well-being of the Native American people.

It is important to mention here that in 1830, United States Chief Justice John Marshall ruled in *Worcester vs. Georgia* that the Native Americans tribes were "distinct, independent, political communities" who possessed limited rights of self-government. <3> The decision of the Supreme Court established and guaranteed the borders of the Native American territories and distinguished Native Americans as a distinct ethnic group whose rights were assured by law. This Supreme Court decision is consistent with the sentiment expressed in the Northwest Ordinance of 1787. Their status as a distinct group possessing certain rights required the United States to honor th made with the Native Americans.

A drastic change occurred in 1871 when the House of Representatives decided to abolish the treaty procedure. Congress then declared that "no Indian tribe or nation shall be acknowledged or recognized as an independent nation, tribe or power, with whom the United States may contract by treaty. <4> In the year 1871, all Native American tribes, including the Sioux, lost any power or sovereignty they had previously held.

The blatant violations by the United States government of the Treaty of 1868 were carried out under the new conviction that Native Americans were no longer a distinct group possessing protection or special rights under the law. In the treaty signed by the Sioux tribes in 1868, the United States established the boundaries marking those territories where the tribes could exercise full freedom. These territories came to be called the Great Sioux Reservation. In addition to the reservation, the treaty guaranteed the Sioux hunting and migratory grounds. In 1871, the North Pacific Railroad had cut across the territory ceded under the treaty as the hunting grounds of the Sioux. This was one of the first violations by the United States government of the Treaty of 1868. In addition to the scanty rations provided by the United States, the construction of the railroad would have the inevitable consequence of scattering and displacing the northern buffalo, the only means of subsistence for the Sioux.

The most significant violation of the Treaty of 1868 came about when the United States decided to buy the Black Hills, the heartland of the Great Sioux Reservation, because gold had been found there. A commission was sent to negotiate the selling of the Black Hills. The Sioux refused to sell and the patience of the United States ran out. The United States government then forced the Sioux to sell the Black Hills. The steps taken by the government in the acquisition of the Black Hills violated some of the most significant provisions guaranteed to the Sioux under the Treaty of 1868.

On November 15, 1875, President Grant, without waiting for Congress's approval, secretly gave the order to open the Black Hills to miners. This act violated the measure under the Treaty of 1868 that forbade non-Native Americans to enter the Great Sioux Reservation. Next, in direct violation of the concession made to the Sioux under the same

treaty which had established that they were to roam freely within the Great Sioux Reservation, the United States government ordered that the Sioux in the area between the Powder River and the Black Hills abandon their lands and move to the different Indian Agencies. The order to move was issued, strategically, on December 3, 1875 and the Sioux were required to reach the Indian Agencies by January 31, 1876. Those who failed to meet this deadline were to be considered insubordinate by the United States government. It was irrelevant whether the Sioux chose to follow this order or not, because it was physically impossible to move from this area to the different agencies in seven weeks due to the harsh conditions of the winter. The failure of the Sioux to comply with this deadline gave the government the perfect opportunity to declare war on the Sioux. It is an irony that the United States declared a war on the Sioux because they were occupying the land guaranteed to them under the Treaty of 1868. Black Elk, one of the Sioux who was forced to move from his land, expressed the general sentiment of his people when he said: "...all that country was ours. Also, the Wasishus [white person] had made a treaty with Red Cloud [1868] that said it would be ours as long as grass should grow and water flow." <5>

The last step the United States government took to force the Sioux to sell the Black Hills was to stop sending the food and clothing rations agreed to under Article 10 of the Treaty of 1868. Therefore, the Sioux council was forced to sell the Black Hills or starve to death. Thus, the Sioux lost the Black Hills and all of the land to the west up to the Powder River.

The Manypenny Agreement, reached in February 28, 1877, dispossessed the Sioux of forty seven million acres of the land best suited to farming. The irony is that the United States claimed that the only chance the hunting tribes had for survival lay in the shift to agrarian subsistence farming. Because of the breaking of the treaty, the survival of the Sioux was reduced to government food and clothing rations and the minimal crops rendered by the poor soil of the lands left to them. The Manypenny Agreement made the once powerful Sioux completely dependent upon the United States government.

The final humiliation the Sioux suffered prior to their confrontation with the United States in the winter of 1890, was the Agreement of 1889. At the close of this agreement, they lost all the land between the White River and the Cheyenne River. Nine million acres of their best cattle range were lost forever. The Sioux Council no longer believed in any promises made to them by the United States government. At first they had refused to sell, but the government coerced them into selling. The government sent a general ironically named George Crook, a man the Sioux trusted and considered honest, to negotiate the deal for these lands. Crook's procedures with the Sioux were described as follows:

. . . he [General Crook] shut out the chieftains against the agreement from his councils and set up rival chiefs in authority. He made outlandish promises to wavering leaders. He provided feasts and dances for Indians who would sign. As a final stroke, he had ballots favoring the sale printed in red, those opposing printed in black, fully aware that to the

Sioux red symbolized happiness and long life while black was a color thought to bring bad luck if improperly used. <6>

Crook's commission purposely deceived the Sioux by making promises they knew the United States government would not honor. The new agreement left the Sioux Reservation divided into five small reservations. These were the Pine Ridge, Rosebud, Cheyenne River, Standing Rock, Lower Brule and Crow Creek reservations (these last two are actually considered a single unified reservation). Many of the Sioux called this agreement the end of their dream. Black Elk expressed the grief of his people by saying ". . . the Sacred Hoop of the Sioux Nation has been broken." <7>

After the Agreement of 1889 was signed, the situation of the Sioux worsened when in the same year they lost their entire crop. This loss was due to the temporary abandonment of their lands during the time they were engaged in negotiations for the Agreement of 1889. They also lost the crops of the following year because of a drought. Instead of delivering the food and clothing rations promised to the Sioux in exchange for signing the new agreement, Congress decided to cut government expenses by reducing food rations by ten percent. The beef rations at the Rosebud agency were reduced by two million pounds and at the Pine Ridge agency by one million pounds. Also, the quality of the beef received by the Sioux was so poor that they refused to accept it. They were later forced to accept the beef, however, because in 1889 their cattle herd was significantly reduced due to disease and drought. Because they were confined to the reservations, the Sioux had no possibility of improving their situation. They were prohibited from migrating and it was unlawful for the Sioux to seek employment in order to support themselves. The Sioux came to consider the reservations their prisons.

The agreements of 1877 and 1889 had dispossessed the Sioux of their best farmland and the best cattle grazing grounds. This fact frustrated the Sioux in their efforts to become economically and materially independent and self-sustaining. When the Sioux were in their greatest need in the winter of 1890, the United States government failed again to fulfill its promises. The Sioux had once been the richest and proudest of the Native American tribes of the northwestern plains. They could no longer endure the humiliation of not being able to support themselves and of being completely dependent on the United States government.

It was at this stage that the Sioux adopted the doctrine of the Ghost Dance as an expression of their suffering. The Ghost Dance developed at this time because the Sioux Nation lost all faith in the promises made to them by the government and had lost any hope that their situation would ever improve. The Ghost Dance was inaugurated among the Sioux at the Pine Ridge reservation in the Spring of 1890. It had originated in Western Nevada among the Paiute. Wovoka, also known as Jack Wilson, considered himself the messiah of his people. He predicted that in the Spring of 1891 ". . . the whole Indian race, living and dead, will be reunited upon a regenerated earth, to live a life of aboriginal happiness, forever free from death, disease, and misery." <8> Whites had no place in this new earth and would be annihilated.

Each Native American tribe had its own version of how the whites would be wiped off the face of the earth. Among the Sioux it was believed that a great mudslide would flow inside the mouths of the whites and cause them to choke. Wovoka prophesied that in order to bring this prediction into action, all of the Native Americans must perform the Ghost Dance. The tribes who did not adhere to the Ghost Dance would suffer the same fate as the white race. The more the dance was performed, the sooner the prediction would come to pass. This need for deliverance from sheer agony explains why the Sioux performed the dance so fervently. The strong emotions transmitted through this dance managed to scare the officials who were in charge of the agencies. The

Ghost Dance was not a violent act. On the contrary, Wovoka instructed the Native Americans that until the fateful day arrived they were to live peacefully with the whites, he said: "Do not refuse to work for the whites and do not make any trouble with them until you leave them. You must not fight. Do no harm to anyone. Do right always." <9>

The Sioux experience with the whites and the desperate situation they were living in when the Ghost Dance developed caused a variation in the dance that was not found in any other Native American tribe. This variation was their Ghost shirt. They believed that this garment made them invulnerable. The garment's great significance is seen in the battle of Wounded Knee. The Sioux's belief that the Ghost's shirts would protect them from the soldiers' bullets was the reason why they fired first, even though they were outnumbered by the American soldiers.

When the Ghost Dance first appeared among the Sioux there was great concern on the part of the different agents of the reservations. The reaction of some of the agents was to arrest the leaders of the Ghost Dance and to forbid it altogether. The government overreacted to the Ghost Dance and considered it a hostile act in defiance of the United States authorities. In the short time between the months of October and December of 1890, three thousand troops were moved into the Sioux country. It was in the opinion of General Nelson A. Miles, the director of the campaign, that the Ghost Dance would die a natural death when, in the spring of 1891, the Sioux would find the prophecies of Wovoka unfulfilled. Therefore, the movement of the troops to the Sioux territory was unnecessary.

Statements made by United States officials involved in this conflict and by the Sioux leaders confirm that the cause of this violent confrontation was the failure of the United States to comply with the treaties made with the Sioux. Commissioner Morgan states that:

During a long series of wars, treaties, agreements, cessions of land and privileges, and removals of bands and agencies have kept many of the Sioux, particularly those at Pine Ridge and Rosebud, in an unsettled condition, especially as some of the promises made to them were fulfilled tardily or not at all. <10>

Ex-agent McGillicuddy of the Pine Ridge agency admits to the failure of the United States to deal with the Sioux fairly and effectively:

I would state that in my o to no one cause can be attributed to the so-called outbreak . . . , but rather to a combination of causes gradually cumulative in their effect and dating back through many years . . . in fact to the inaguration of our practically demonstrated faulty Indian policy. . . . There can be no question but that many treaties, agreements or solemn promises made by our government with these Indians have been broken. <11>

General Nelson A. Miles sent a telegram to Washington on December 19, 1890, three days after the death of Chief Sitting Bull and ten days before the Battle of Wounded Knee, communicating to Congress:

Congress has been in session several weeks and could, if it were disposed, in a few hours confirm the treaties that its commissions have made with these Indians and appropriate the necessary funds for its fulfillment and thereby show their good faith or their intention to fulfill their part of the compact. <12>

Before the unfortunate incidents of December 15, 1890, the leaders of the Sioux Nation tried to gain the attention of the United States government and requested that something be done about their desperate situation. American Horse, in a council, delivered a message to agent Royer of the Pine Ridge reservation on November 27, 1890, stating:

In a council I signed the bill [the Agreement of 1889] and 580 signed with me . . . We were made promises, but have never heard from them since . . . The commission [Crook's commission] made us believe that we would get full sacks if we signed the Bill, but instead of that our sacks are empty. We lost considerable property by being here with the commissioners last year, and we have never got anything for it yet. <13>

There were genuine efforts made by the Sioux and by some United States officials to prevent the violent confrontations, but Congress was deaf to these requests. The so-called Sioux Outbreak was caused entirely by the United States government's unjust and selfish unfulfillment of the agreements made with the Sioux. The government took away the lands of the Sioux and failed to supply them with the things their land had once provided. These were basic rights to which every American is entitled by law. It does not take a genius to decipher the reaction of a group of people deprived of the simple necessities of life. It is obvious that the members of Congress ignored this principle and did nothing to remedy the situation of the Sioux until it was too late. The failure of the government to act appropriately resulted in the deaths of one hundred and twenty Sioux men, two hundred and fifty Sioux women and children and thirty-three United States soldiers. All of these deaths could have been prevented by the simple act of respecting and protecting the original settlers of the North American continent.

Notes

1 Edward Lazarus, *Black Hills, White Justice: The Sioux Nation versus the United States, 1775 to the Present* (New York: Harper Collins Publishers, 1991), p. 11.

2 Wilcomb E. Washburn, *The American Indian and the United States: A Documentary History, Volume I* (New York: Random House, 1973), p.1409.

3 Lazarus, p. 17.

4 Lazarus, p. 80.

5 John G. Neihardt, *Black Elk Speaks: Being the Life Story of a Holy Man of the Oglala Sioux* (Lincoln and London: University of Nebraska Press, 1979), p. 79.

6 David Humphreys Miller, *Ghost Dance* (Lincoln and London: University of Nebraska Press, 1959), p . 38.

7 Neihardt, p. 264.

8 Dennis Tedlock and Barbara Tedlock, *Teachings from the American Earth: Indian Religion and Philosophy* (New York: Liverlight, 1975), p. 75.

9 Tedlock and Tedlock, pp. 81-2.

10 James Mooney, *The Ghost Dance and the Sioux Outbreak of 1890* (Chicago and London: The University of Chicago Press, 1965), p. 74.

11 Mooney, p. 76.

12 Mooney, p. 80.

13 Mooney, p. 84.

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