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55TH CONGRESS, }
2d Session. }

SENATE.

{ REPORT
{ No. 1266.

AGREEMENTS WITH INDIANS OF LOWER BRULE AND ROSEBUD RESERVATIONS, ETC.

JUNE 20, 1898.—Ordered to be printed.

Mr. PETTIGREW, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 4623.]

The Committee on Indian Affairs, to whom was referred the bill (S. 4623) to ratify agreements with the Indians of the Lower Brule and Rosebud reservations in South Dakota, and making an appropriation to carry the same into effect, having had the bill under consideration, report it back with a recommendation that it pass.

In support of this conclusion, your committee submit the following facts:

On the 2d of March, 1889, an act was passed by Congress dividing a portion of the reservation of the Sioux Nation of Indians in South Dakota into six separate reservations, and providing for the relinquishment of the Indian title to the original reservation land not included in the newly created reservations.

This act defined the boundaries of the segregated possessions of the several bands of Sioux Indians, and opened to the privilege of white occupancy some 10,000,000 acres of land. Among the six bands of Indians affected by this arrangement were the Lower Brule Sioux, who were then located contiguous to the Missouri River, on the west side of that stream, near the mouth of White River. By the terms of the act the Lower Brule Reservation was moved some distance up the Missouri River to the neighborhood of Little Bend. This involved the removal of about one-half of the band from homes long occupied by them on the south side of White River, where they had made permanent improvements and were fairly prosperous. They had there constructed comfortable houses and stables, had fenced patches of tilled ground, and had accumulated considerable property in horses, cattle, fowls, farming implements, wagons, and household goods.

Under the act of March, 1889, they were required to surrender all their lands south of the White River, as that region was included in the boundaries of the Rosebud Reservation. The Lower Brules were not consulted in regard to this change in their location, and as a matter

of fact they were generally opposed to such change. Those residing south of the White River insisted that they would not agree to the arrangement. Besides the pecuniary loss involved, removal would separate them from cherished associations and send them forth to begin life anew in a strange land.

It was provided that the act of March 2, 1889, should take effect only when confirmed and accepted by the several bands of Sioux, and in April, 1889, the President appointed a commission, consisting of Charles Foster, of Ohio; William Warner, of Missouri, and Gen. George Crook to confer with the Indians with the purpose of securing their ratification of the act.

In due course of time the commission assembled at Lower Brule Agency and opened negotiations with that band for the ratification of the act of 1889. It was ascertained that the Indians living south of White River, nearly 500 in number, were practically unanimous in their opposition to the bill, for the reason that it would turn over their homes to the Rosebud Indians and compel them to move within the limits of the newly created reservation for the Lower Brules. Here was a stumbling block that must be removed, as it endangered the entire project for the reduction of the Great Sioux Reservation.

There is no evidence in the proceedings of the council at Lower Brule of a disposition on the part of the commission to criticise the position assumed by the Indians. It was generally conceded that the Indians were right. But the gravity of the situation necessitated the adoption of a course that would overcome the objections of the Brules of White River, and the commission brought to its task the ever ready diplomacy of the pale face when dealing with his mentally inferior red brethren of the plains.

General Crook, of the commission, was held in such high esteem by these Indians that his word among them was as good as the signed treaty of the Great Father. They relied so implicitly upon his ability to fulfill a promise that when he assured them that he would exert himself to the extent of his power to so change the law as to secure to them their homes south of the White River, they came forward and signed the agreement with no more hesitancy. General Crook told them the act they were called upon to ratify placed their homes within the boundaries of the Rosebud Reservation, that the commission could not change the law—even the President had not the power to amend it—but that he (General Crook) would exercise all his influence toward securing legislation that would convey to the White River Lower Brules, in perpetuity, the land upon which they had built their homes, reared their children, and placed the graves of their dead. Among other things, General Crook said in the council:

You must go down there (south of the White River) and take your land before the treaty goes into effect. All those who are living down on that land can hold it there and live there if they want to.

Upon this and other like promises the Lower Brules yielded and attached their signatures to the agreement, and the work of the commission at their agency was ended. The Indians fully expected, under this arrangement, and with good reason, that they would be permitted to take allotments south of White River, in accordance with the provisions of section 6 of the treaty of 1868, and thus secure their homes to themselves and their posterity for all time to come. General Crook made the promises of the commission in the good faith of a man of honor, and would have insisted upon their adoption had he lived. But, unfortunately for the Indians, he died with his intentions unfulfilled.

The Secretary of the Interior, in transmitting the report of the commission, recommended the adoption of the suggestions of the commission (pp. 4 and 9, Ex. Doc. No. 51, first session Fifty-first Congress).

The President, in his letter to Congress transmitting the report of the commission, says (pp. 1 and 2, Ex. Doc. No. 51, first session Fifty-first Congress):

At the outset of the negotiations the commission was confronted by certain questions as to the interpretation and effect of the act of Congress which they presented for the acceptance of the Indians. Upon two or three points of some importance the commission gave, in response to these inquiries, an interpretation to the law, and it was the law thus explained to them that was accepted by the Indians. The commissioners had no power to bind Congress or the Executive by their construction of a statute, but they were the agents of the United States, first to submit a definite proposition for the acceptance of the Indians, and, that failing, to agree upon modified terms, to be submitted to Congress for ratification. They were dealing with an ignorant and suspicious people, and an explanation of the terms and effect of the offer submitted could not be avoided. Good faith demands that if the United States expects the lands ceded the beneficial construction of the act given by our agents should be also admitted and observed.

The "good faith" adjured by the President needs to be extended beyond the cession of the land by the Indians, as that has already been accomplished. It was accomplished through the "good faith" of the Indians in the representations of the agents of the Government. The Lower Brules signed away their portion of the ceded reservation under a promise that their homes would be assured to them by subsequent act of Congress.

At this point in the transactions between the Government and the Lower Brule Indians began a series of persecutions by and through various representatives of the Government, of which the Indians were the victims, and these persecutions at times assumed dimensions almost diabolical. The Indian Bureau, through its officers, insisted that all the Lower Brule Sioux should move to the newly created reservation near Little Bend. In this persecution the Indian Rights Association, of Philadelphia, joined, and through its participation contributed to popular and governmental prejudice against the abused Brules by characterizing them as renegades, as heathen, as bigamists, and issuing pamphlets against the Indians, based upon these absurd and extraneous propositions, which were industriously circulated among the descendants of Miles Standish, who are at present, by works meet for repentance, endeavoring to wipe out the stigma placed upon their escutcheon by that doughty slayer of savages and his cofanatics.

In consequence of a sentiment created against these deluded and helpless wards of the Government, there occurred outrages in the name of the law, and the power behind that law, such as reflect no credit upon the humanitarian nation that declares against the cruelties of other nations and backs its declaration with the guns of its Navy and its Army.

Those members of the Lower Brule band who had remained south of White River, in compliance with the advice of General Crook, were forcibly removed from their homes, loaded into wagons, and conveyed to the agency, and there many of them were placed in jail, where they were restricted to a bread and water diet. Those who resisted were placed in irons, and one of their number was violently assaulted, and then chained to a stake in the open air for several days. His wife, who endeavored to shield her husband from injury, was bound and loaded into a wagon and carried away with the rest from her home. All the Indians thus arrested were held at the agency, practically under guard, for a year. They were half starved and generally illtreated, and

when they attempted to buy food for their suffering children were placed in jail. All their improvements south of White River were destroyed—even to their houses and stables. Their cattle, horses, and poultry were all stolen and the last vestige of household furniture disappeared. At the agency the Indians were compelled to live in tepees, to which they had been unaccustomed for years. In the winter season the weather is extremely cold and their sufferings were intense. About 20 per cent of them died from exposure. These are a few only of the incidents accompanying the eviction of the Lower Brules from their homes by the United States Government. The recital forms a part of the testimony taken by your committee, which is verified by officials cognizant of the facts.

The Indian appropriation act of 1896 contains a provision authorizing those of the Lower Brule Sioux who so desired to reoccupy their homes south of the White River and there select allotments of land substantially the same as occupied by them prior to July 3, 1890. It also provides that the land selected be surveyed and patented to them. The return of the Indians to their former homes was made voluntary and the Government assumed no portion of the expense connected with such removal. Under this arrangement 442 Brules resumed residence in their homes south of White River, from which they had been evicted.

The act of 1896, granting authority, as aforesaid, to the Lower Brules, did not recognize the newly acquired interest of the Rosebud Indians in the lands occupied by the Lower Brules, which had been transferred to the latter band in the act reducing the Great Sioux Reservation. To correct this omission the Indian appropriation act of 1897 contained the following clause:

The Secretary of the Interior is hereby authorized to negotiate, through an Indian inspector, with the Rosebud Indians and with the Lower Brule Indians in South Dakota for the settlement of all differences between said Indians; and with the Rosebud Indians and the Lower Brule Indians, the Cheyenne River Indians in South Dakota, and with the Standing Rock Indians in North and South Dakota for a cession of a portion of their respective reservations and for a modification of existing treaties as to the requirement of the consent of three-fourths of the male adult Indians to any treaty disposing of their lands; all agreements made to be submitted to Congress for approval.

In compliance with this enactment, United States Indian Inspector James McLaughlin was sent to South Dakota by the Interior Department to negotiate an agreement between the Lower Brule and Rosebud Sioux for the surrender, by the latter to the former, of the land selected by the Lower Brules.

Agreements were concluded by Inspector McLaughlin through which the matter was adjudicated to the satisfaction of the two Indian bands who were parties to the transaction.

Upon the basis of these agreements a draft of a bill was prepared by the Commissioner of Indian Affairs and the Commissioner of the General Land Office and submitted to Congress for its action. The bill thus prepared is the one herewith reported (S. 4623) by your committee. It has the sanction of the Indians and of the Interior Department.

In connection with this report attention is directed to the report of Inspector McLaughlin to the Interior Department, printed as House Document No. 447, second session Fifty-fifth Congress.