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[Reservation of the Sioux Nation of Indians.]

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IN THE SENATE OF THE UNITED STATES.

FEBRUARY 22, 1894.—Ordered to be printed.

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

REPORT:

[To accompany S. 145.]

The Committee on Indian Affairs, having had under consideration the bill (S. 145) to authorize the Secretary of the Interior to carry out in part the provisions of an act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes, approved March 2, 1889, and making appropriations for the same and for other purposes, report it back, recommending its passage with an amendment as follows: Strike out section 2.

The bill as amended provides for carrying out a promise made these Indians by the commissioners who secured their consent to the act of March 2, 1889, as the following extract from the report of the commission will show:

[Ex. Doc. No. 51, Fifty-first Congress, first session, p. 20.]

On July 5, the commission proceeded to Crow Creek Agency. At this agency two well-organized parties were found, one in favor of signing the bill and the other in opposition. The opposing party was represented by the two most prominent chiefs, White Ghost, the leader of the unprogressive element, and Drifting Goose, who is probably the most advanced. This opposition was ostensibly based on the fact that the portion of the Great Sioux Reservation set apart by section 6 as the separate reservation of the Indians at Crow Creek, would scarcely afford sufficient agricultural or grazing lands for the allotments provided in section 8. Attention was also called to disparity in size between their proposed reservation and that of the Indians at the other agencies, and they asked that several adjoining townships be added. This complaint and the subsequent request of the Indians were both reasonable, but the commissioners were without authority to make any change in the conditions contained in the act of Congress; they, however, promised to call attention to the matter in their report, and to recommend such action as would be equitable to them.

The commission remained a week at Crow Creek, during which time something more than one-half of the adult males signed the roll accepting the bill.

Also the following from page 27 of said report:

INEQUALITY IN THE SIZE OF RESERVATIONS.

We are without information as to the reasons for the great inequality in the per capita size of the several diminished and separate reservations.

The per capita amount of land in the entire Great Sioux Reservation is about 906 acres. Yet in the division we find that the per capita allowed to Pine Ridge is about 563 acres; to Rosebud about 550 acres; to Standing Rock about 665 acres; to

Cheyenne River about 972 acres; to Lower Brule about 442 acres, and to Crow Creek about 260 acres.

Thus it will be seen that Cheyenne River has a per capita quantity left, 66 acres greater than it had before nearly one-half of their lands were sold, while the Crow Creek Indians, who in fact have made the greatest advancement, have not enough land allotted to them to cover the amount to which they are entitled under the act, if they should take their allotment in grazing land.

We therefore earnestly urge the importance of placing the Crow Creek Indians on a basis equal to at least the Lower Brules, their near neighbors across the Missouri river. This may be done by returning to them some of the lands they have ceded or by giving them a money equivalent therefor. This, in the opinion of the commission, would be but a simple act of justice. The map of the different reservations furnished the commission by the Interior Department is herewith attached as an exhibit.

Under the head of legislation said Commissioners make the following recommendation:

Fourth.—An appropriation of \$187,039 is recommended for the benefit of the Indians residing on the Crow Creek Reservation. The Crow Creek and Lower Brulé Indians are given less land per capita than those of any of the other reservations, as is shown in a former part of this report. The number of Indians upon the Crow Creek Reservation is as great as those on the Lower Brulé Reservation, yet the former are given 187,039 less acres of land than the latter. Estimating the land at \$1 an acre would give to them the amount asked for. The appropriation, if made, should be added to the "permanent fund" of the Crow Creek Indians, and expended for their benefit, as provided in section 17 of the act of March 2, 1889 (Public, No. 148).

The Secretary of the Interior in transmitting the treaty and report of the Commissioner to the President makes the following statement:

The commission reports that in its councils with the Indians it gave them to understand in plain terms that it had no power either to take from or add to the act it was commissioned to present to them for their acceptance or rejection; it told them further that in case of their acceptance the members of the commission would use their influence to see that the Sioux Indians should be protected in every right given them under the act; and further, that it would make certain recommendations to the Government to remedy evils of which they complained.

The deed submitted herewith is executed and signed by 4,463, being over three-quarters of the adult male Indians occupying or interested in the great Sioux Reservation; the whole number being 5,678.

The tabulated statement submitted with the report shows the number of adult male Indians at each of the agencies and the number of signers to the agreement.

There are two courses that may be pursued in regard to this business.

The one is now to proclaim the act of March 2, 1889, to have taken effect because of the assent thereto of the requisite number of the Sioux, and to leave the matters suggested by the commission to be carried into effect by the Secretary of the Interior through the Commissioner of Indian Affairs, and by Congress through appropriate legislation. So far as this Department is concerned it will be an easy matter by order, which can be immediately made, to carry into effect all those provisions recommended and within the control of the Secretary.

On the other hand, after the report has been transmitted by message to Congress requesting the legislation necessary, the proclamation may be delayed until such legislation has been inaugurated and is in a fair way of success. The latter course must lead necessarily to much disappointment on the part of the settlers who contemplate moving upon the ceded territory, and it may be doubtful whether it is within the power of the Executive to refuse to proclaim the act, if, indeed, it has received the requisite assent.

In my own judgment, the act should now be proclaimed, the surveys made as soon as possible, and the Secretary of the Interior required, so far as he may, without further legislation, to carry into effect the recommendations of the commission; and the further recommendations of the commission be transmitted to Congress for action by it in accordance with the spirit and fair understanding of the negotiations exhibited to have taken place between the commission and the Sioux.

It may be relied upon, I think, that the legislative branch of the Government will execute what it believes to have been this understanding with the Indians, in good faith. The burdens assumed are light in comparison with the benefits obtained, and there will be no substantial reason for refusing to supplement the act assented to by such further provisions as are recommended to make it fair and acceptable.

Upon your request this Department will have the proclamation prepared. The draft of a bill covering the recommendations of the commission is herewith presented.

In the letter of the President of the United States transmitting the report of the commission and treaty to Congress we find the following statement:

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 were presenting 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.

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