

Chapter Five

TREATIES AND BROKEN PROMISES: 1851 to 1877

Although only a short span of time in the history of the Black Hills, the decades between 1851 and 1877 were momentous ones. This was a time when bison began to disappear from the Black Hills and the surrounding prairies, forcing local tribes to move even farther away to find good bison hunting grounds. By the 1860s, only a few areas in the Plains, including the Republican Fork and the Tongue/Powder river countries, held bison herds large enough to sustain a livelihood for the Lakotas, Cheyennes, and Arapahos who hunted there. This was also a period when the growing presence of foreigners created even more hardship for local tribes and when the United States entered into treaties with tribal nations that led to the relinquishment of large tracts of tribal territory. Most of all it was the era of the gold rush when American soldiers, scientists, prospectors, speculators, and settlers entered the Black Hills illegally and made claims on the land, eventually leading the United States to seize the area from the Lakotas, Cheyennes, and Arapahos: as the U.S. Court of Claims wrote in 1975, “*a more ripe and rank case of dishonorable dealings will never, in all probability be found in our history...*” (quoted from Lazarus 1991:344).

I. THE HISTORIC LITERATURE

The history of the Black Hills between 1851 and 1877 is written from two very different, and at times antagonistic perspectives. On one side are the writings of Americans who were attempting to “civilize” local tribes, confine them to reservations and take possession of their lands. These records, which include the writings of soldiers, scientists, government agents, and early settlers, depict a history that ultimately favors and defends American expansionism and the taking of the Black Hills. On the other side are accounts by Indians as well as non-Indians, including traders and federal agents, who viewed the Black Hills in a light more sympathetic to tribal interests and traditions. Today, this divide persists in the various ways the history of the Hills is depicted and interpreted in the writings of contemporary scholars. While all history gets written from different, and at times contested, vantage points, the story of the Black Hills stands out because it continues to be told in a context where questions of their “ownership” on historical, legal, political, cultural, and even religious grounds are still being challenged.

A. The Agency View

Beginning in 1851, much of the information about the tribal nations who occupied and traveled in the Black Hills originates from the writings of civilian officials who represented the United States government in its dealings with local tribes. Until 1867, this information is part of the record of agencies located on the Platte River, and after 1872, it appears in correspondence and reports primarily from the Red Cloud and Spotted Tail Agencies on the White River. Many of these documents were published in the *Annual Report of the Commissioner of Indian Affairs*, and they typically cover the agents’ day-to-day attempts to supervise and assimilate the bands under their jurisdiction. References made to the Black Hills in these reports give some evidence of tribal use of this area. There are also other government documents that deal with the nego-

tations surrounding the Black Hills, and these are especially important, particularly the proceedings of the Allison Commission (18 June 1875, Report of the Commission to Treat With the Sioux Indians for the Relinquishment of the Black Hills, *Annual Report of the Commissioner of Indian Affairs*) and the Manypenny meetings that led to the Black Hills Agreement of 1876-77 (The Report and Journal of Proceedings of the Commission Appointed to Obtain Certain Concessions from the Sioux Indians, *Senate Exec. Doc. No. 9, Cong. 2 Sess. 1876*). Much of this government literature is drawn on in a wide variety of secondary sources that detail the more general histories of local tribes during this period, including work on the Oglalas (Hyde 1937, Olson 1965; Price, C. 1996; Larson 1997), the Sicangus (Hyde 1961), the Northern Cheyennes (Powell 1969, 1982; Weist 1977), and the Arapahos (Fowler 1982).

B. The Military Approach

1855 marks the date when American military and scientific expeditions began to explore the Black Hills, leaving detailed information on their geologic, meteorological, zoological, and botanical characteristics. The accounts about their tribal occupancy are generally less informative, although some contain brief but valuable observations on tribal locations, procurement activity, and religious sites. The expeditions of General William S. Harney in 1855, 1856, and 1857 generated considerable information about the Black Hills through the accounts of the topographical engineer, Lieutenant Gouverneur Kimball Warren (1856, 1875; McLaird and Turchen 1973). Warren's work contains valuable information on tribal locations, even though much of it refers to areas surrounding the Black Hills. A few years later, in 1859-1860, Captain William Franklin Reynolds crossed the northern reaches of the Hills (McLaird and Turchen 1974a), describing many of their topographic features and some of the Native names for them. The naturalist, Ferdinand Vandiveer Hayden, traveled in the area on several private expeditions between 1854 and 1866, and he also accompanied two military expeditions in 1855-56 and 1859-60. He recorded detailed information on tribal names and territories in an important work entitled *On the Ethnography and Philology of the Indian Tribes of the Missouri Valley* (1862; McLaird and Turchen 1974b). Little was written about the tribal occupation of the southeastern Black Hills where Wind Cave National Park is now located, although David Dale Owens mapped the area for the Geological Survey as early as 1852 (Sundstrom, J. 1994:16).

It was not until the 1870s that any writings appear based on direct observations of the Black Hills' southern reaches and their high elevation interiors. Most of these appear in the records of three government-sponsored expeditions. The first was the expeditionary force under the leadership of General George Armstrong Custer that toured the Black Hills in the summer of 1874. It was by far the largest and most controversial of the expeditions to explore the Black Hills. The best information on the expedition's travels was recorded by its Engineer Officer, William Ludlow (1875; McAndrews 1974; McLaird and Tuschen 1974c) and various newspaper correspondents (in Krause and Olson 1974). Their writings about the Black Hills Expedition provide some details about the Hills' tribal occupation and use, but most of them are limited to brief observations and *ad hoc* commentary. Later in the summer, the Sioux Commission under the direction of Samuel Hinman, a clergyman influential in national Indian affairs, led a group to the southern region of the Black Hills to scout out possible locations for new Lakota agencies (Anderson, G. K. 1979). He wrote a short report (10 November 1874, "Report of the Sioux Commission," in *Annual Report of the Commissioner of Indian Affairs*) containing a few tribally related references. A year later in 1875, two geologists, Walter P. Jenney and Henry Newton (Jenney 1875, 1876; Newton and Jenney 1880; McLaird and Tuschen 1974d), led another government sponsored expedition, under the military command of Colonel Richard I. Dodge (1965, Kime 1998), to verify the presence of gold in the Hills and to evaluate their worth pursuant to negotiating an

agreement with the Lakotas for their sale. The records left by this expedition contain various sorts of information on the region's tribal occupancy, but much of it is slanted to justify the United States taking possession of the region.

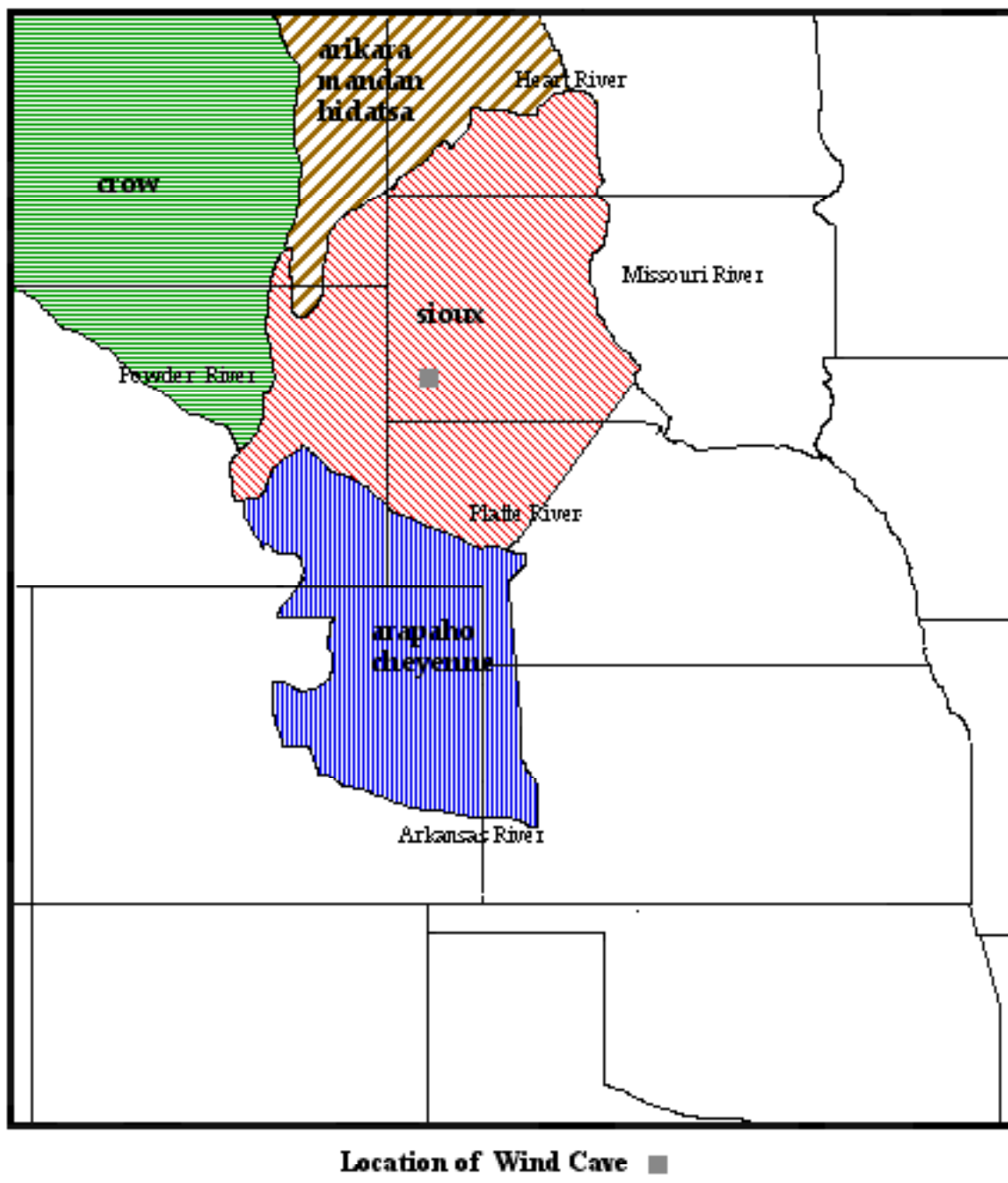
C. The Settlers' Outlook

From 1874 when Custer's expedition arrived in the Black Hills to 1877 when the U.S. government extinguished American Indian title to the Black Hills, large numbers of gold prospectors entered the Hills and with them came an assortment of people to supply their provisions, accommodations, and transportation. Some of these early American settlers left written accounts of their early years in the Hills in published and unpublished form (Brennan 1875; Tallent 1899; Brown and Willards 1924; Hughes 1957; Curley 1973; Booth in Sundstrom, J. 1994:27-29; Arnold in Crawford and Waggoner 1999; McClintock 2000), which reveal a great deal about the life of the miners, the growth of the mining towns, the trails the newcomers took to reach the mines, and the general development of the region's economic, social, and political infrastructure. Many of these accounts also make reference to the relations between local settlers and the tribal nations who still owned the Black Hills. Most of them focus on the hostile engagements, but a few offer glimpses of peaceful encounters. More recently, a number of secondary histories have been written about the early years of white settlement in the Hills: these include, among others, Watson Parker's *Gold in the Black Hills* (1966) and Paul Friggens, *Gold & Grass: The Black Hills' Story* (1983). Several local county and town histories, including Jessie Sundstrom's *Custer County History to 1976* (1977) also contain important information about this period in the history of the Black Hills.

D. Tribal Perspectives

For the years between 1851 and 1877, the story of the Black Hills also comes from Arapahos, Cheyennes, and Lakotas. In the early twentieth century, some of their people left important oral and written accounts of tribal life in the Hills (Bordeaux 1929; Wooden Leg in Marquis 1931; White Bull in Vestal 1934; One Bull in Hilger 1946; Yellow Robe in McKelvie 1960; Stands In Timber and Liberty 1967; Bent in Hyde 1968; Iron Teeth et. al. in Marquis and Limbaugh 1973; Standing Bear 1975, 1978, 1988; White Cow Bull in Stars, Iron Shell, and Buechel 1978:208-210 [also in Buechel and Manhart 1998:364-369]; Wawoslata in Stars, Iron Shell, and Buechel 1978:264-270 [also in Buechel and Manhart 1998:452-463]; Nakpogi Ogiya in Stars, Iron Shell, and Buechel 1978:319-320 [also in Buechel and Manhart 1998:543-546]; Singing Bear in Stars, Iron Shell, and Buechel 1978 353-359 [also in Buechel and Manhart 1998:604-617]; Spotted Elk in Stars, Iron Shell, and Buechel 1978:359-362 [also in Buechel and Manhart 1998:617-622]; Bordeaux et. al. in Kadlecek and Kadlecek 1981; One Bull and White Bull in Stone 1982; Black Elk et. al. in DeMallie 1984; Bettelyoun and Waggoner 1988). Besides these sources, events connected to the Black Hills during this time period are recorded in various tribal winter counts (Good in Mallery 1893; High Hawk in Curtis 1907-30; Kindle in Beckwith, M. 1930; Swift Dog in Praus 1962; Blue Thunder in Howard, J. 1965b; Red Horse Owner in Karol 1969; No Ears, Short Man, and Iron Crow in Walker 1982; American Horse and Cloud-Shield in Mallery 1987; White Bull in Howard, J. 1998) and also in a number of tribal ethnographies and histories based on recollections of tribal elders who lived during the pre-1877 era (Densmore 1918; Hyde 1937, 1961; Vestal 1934; Odell 1942; Grinnell 1956, 1972; Hassrick 1964; Powell 1969, 1982). This material presents a picture of how the Black Hills were inhabited

FIGURE 8. Fort Laramie Treaty Lands, 1851



and used by local tribal nations; however, it is often at variance with the accounts of the American civilian and military officials who toured the Hills during the same era.

II. THE EVENTS AND LOCATIONS

The 1851 to 1877 era falls into two distinct periods, each of which begins with a treaty negotiated between local tribes and the U.S. Government at Fort Laramie on the Platte River in what is now the state of Wyoming. The Fort Laramie treaties of 1851 and 1868 imposed European American ideas about property ownership on the landscape, and in the process, they introduced a new dimension into Indian-White relationships that would profoundly affect the nature of tribal ties to the Black Hills. The first period covers the years when the United States became actively involved in defining and restricting tribal land rights through treaties, while the second covers the time when the United States started to abrogate earlier treaty commitments that led to the seizure of the Black Hills. The congressional passage of the Black Hills Act in 1877 legitimized for Americans their “ownership” of the Hills, but it embittered the Northern Arapahos, Northern Cheyennes, and Lakotas, who held both an aboriginal and a legally-binding treaty title to the area. The dishonorable events and circumstances surrounding the passage of this act would make the Hills a site of contestation for generations to come.¹

A. 1851-1868

The year 1851 marked a major turning point in Lakota fortunes and in the destinies of their Cheyenne and Arapaho allies. It was the year of the first Fort Laramie Treaty and the end of a time when tribal population growth soared, when their territorial holdings multiplied, and when their economic opportunities were plentiful (Bray 1994). It was the dawn of a new era, when the Lakotas, Cheyennes, and Arapahos began to feel even greater pressure from the scores of emigrants entering their lands (Price, C. 1996:27-28; Isenberg 2000:111-113). The arrival of these Americans brought more epidemic disease, which had especially devastating impacts on the bands whose territories bordered the overland trails (Hyde 1937:63, 67; Denig in Ewers 1961:19-22; Bettelyoun and Waggoner 1988:44-48). This was a time when the major food source of local tribes, the bison, declined and when the U.S. government began to play a greater role in provisioning tribes with food rations (Swagerty 1988:76, 83; Pickering 1994:62; Price, C. 1996: 28-30). In short, it was a period of profound transition when the very fabric of tribal livelihoods was being eroded by the loss of their food base, freedom of movement, and the lands that defined and sustained their way of life.

During the 1850s, major events were also unfolding outside Lakota, Cheyenne, and Arapahoe homelands that would have a direct impact on their future independence as sovereign nations. Although their lifestyles had changed in earlier eras through the introduction of foreign technologies, commodities, and systems of commerce, these tribes continued to maintain their own systems of land-use and governance. Now, foreign forces would begin to change their relationship to the land and the very conditions and terms of their sovereignty. By 1851, the American frontier’s relentless march had reached the eastern edge of the vast territorial domain these tribes held. As a result of land cessions by the Minnesota Dakotas in 1851, Yanktons in 1857, and the Poncas in 1858, much of the land east of the Missouri River was now open to white occupation

¹ Chapter Eight offers a legal reading of the provisions and consequences of the federal statutes negotiated in this time period, namely, the Fort Laramie Treaties of 1851 and 1868 and the Black Hills Agreement of 1877, and the subsequent claims that tribes have made against the United States for the “unconscionable taking” of the Black Hills and other treaty lands. Here attention is given only to the historical circumstances and events that surrounded the making of the treaties and an agreement.

(Albers 2001:769-770; Brown and Irwin 2001:426-427; DeMallie 2001d:779-781). Once Americans established settlements and territorial governments in areas bordering those of the Lakotas, Cheyennes, and Arapahos, more pressure was placed on the federal government to claim and develop their lands. During the 1860s and 1870s, government treaty negotiators were barely a step ahead of the railroad magnates, land developers, mining interests, and emigrants awaiting entry into newly ceded tribal lands. Indeed, as the history of the Black Hills demonstrates, no sooner had the ink on one treaty dried than movements were afoot to negotiate more land cessions.

When the American frontier started to close in on the lands of the Lakotas, Cheyennes, and Arapahos, U.S. Indian policy was fraught with inconsistency. In the 1860s, Indian affairs were largely governed by the representatives of various religious denominations, which held a major stake in proselytizing the Indians and bringing them into the fold of Christianity and its ideas of “civilization.” Under the influence of church and humanitarian groups, a major reform movement was in place that advocated a more fair-minded and even-handed treatment of tribes under U.S. jurisdiction, and this was the dominant policy position when the U.S. began its efforts to bring about the cession of Lakota, Cheyenne, and Arapaho lands (Hyde 1937:187-204; Olson 1965: 202-203 ; Price, C. 1996:72-73, 84-85). But just as federal Indian policy was being redefined to meet the demands of the reformers, the Civil War broke out. The war stalled, at least temporarily, the frontier’s progress, but it also created a well-organized military command that was easily redeployed to fight the tribes when the Civil War ended. Indeed, most of the troops sent west were led by generals who built their rank and reputation on eastern battlefields. The growing presence of the military in the west brought about the development of a more aggressive political posture in the U.S. government’s dealings with local tribes, and in many ways, this militarization was a direct prelude to the events that ultimately led to the taking of the Black Hills (Olson 1965: 10-12, 132, 144; Fowler 2001b: 282).

1. The 1851 Treaty of Fort Laramie and Tribal Territories

In 1851, Congress appropriated \$100,000 for two federal agents, Thomas Fitzpatrick and David Dawson Mitchell, to negotiate a treaty of friendship and peace with tribal nations of the upper Missouri and Platte regions. On September 16, 1851, a council of tribes was convened at Horse Creek, a tributary of the Platte River, east of Fort Laramie in present day Wyoming. Various accounts (Berthong 1963:119; Lazarus 1991:16-17) estimate that nearly ten thousand people, representing the Arapaho, Arikara, Assiniboin, Cheyenne, Crow, Hidatasa, Sioux, Mandan, and Shoshone nations, attended this gathering. Many of these tribes were bitter enemies, yet peace prevailed among them before, during, and after the treaty deliberations.

Under the terms of the treaty (Kappler 1903:2:440-442), all tribes in attendance pledged a lasting peace with each other. They agreed to cease all forms of aggression, including warring, raiding, and horse thieving. They consented to share their hunting ranges, especially those districts where bison were still plentiful. The treaty also contained articles pledging a peace between the tribes and the United States. Among other things, the articles contained provisions that gave the U.S. government permission to construct roads and military posts within tribal territories and to permit the safe passage of emigrants through these areas in return for the payment of annual annuities.

Although many Lakotas and Dakotas were present at the treaty deliberations, only Sicangu, Oohenunpa, and Yankton leaders signed it. A huge territory was mapped out for them that included the Black Hills (see Figure 8 and Chapter Eight for further details). Much of this

territory, however, was shared with Cheyennes and Arapahos who became falsely and exclusively identified with territories between the North Fork of the Platte River in eastern Wyoming and the Arkansas River in Colorado (Shakespeare 1971:72; Weist 1977:47; Price, C. 1996: 1-36). Even though both of these populations still lived in and used the Black Hills, the Cheyennes much more so than the Arapahos, this was not taken into consideration when treaty negotiators carved out areas of tribal habitation according to European derived notions of exclusive occupancy. This area was assigned to the Lakotas. Judging by some of the speeches of tribal leaders contained in the Fort Laramie Treaty Journal, including one given by Black Hawk (Horr 1974:55-56), the Lakotas were fully aware that they shared much of their territory with the Cheyennes and Arapahos because they had taken and defended it together as allied parties. In fact, it was common practice for tribal nations who fought together to share use rights to the territories they jointly acquired and defended. Imposing territorial boundaries by tribal identification was not the way in which local populations distributed themselves across geographic space (Lazarus 1991:16-19; Albers 1993:112-122). At this point in history, the territorial boundaries drawn on the 1851 treaty map were largely meaningless as local tribes continued to move across the landscape in complex ways that encouraged the sharing of jointly held territories (Albers and Kay 1987:80-82). Nonetheless, as Raymond DeMallie (2001a:795) points out, “the treaty set in motion the process of limiting tribal lands.”

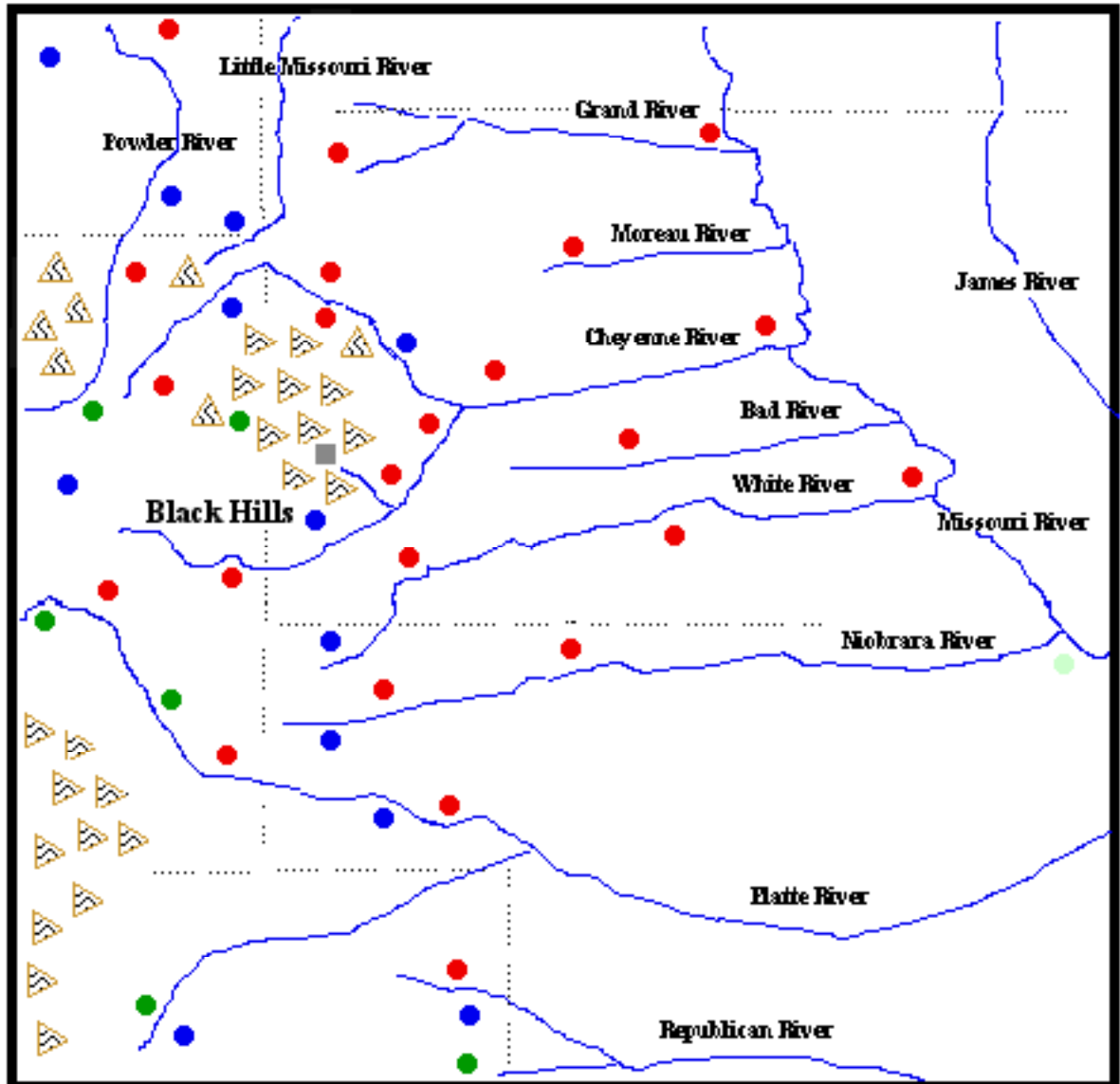
Given what we now know of tribal movement in and occupation of areas west of the Missouri River and north of the Arkansas, the tribal territories established by the Fort Laramie Treaty are grievously inconsistent with the historic record. This is true not only from the perspective of tribal oral traditions but also in relationship to the observations and writings of European Americans who traveled this region before 1851. Aside from the fact that the treaty borders did not match the actual distribution of the tribal nations across geographic space, they imposed a culturally alien understanding of human-land relationships.

2. Tribal Locations

During the decades between 1851 and 1868, different segments of the Lakota, Arapaho, and Cheyenne tribal nations appear to have been part of four shared territorial ranges, three of which encompassed the Black Hills. One territorial range, which stretched between the Platte and Arkansas rivers and west to the Rockies, was dominated by Southern Cheyennes and Southern Arapahos with small numbers of Lakotas, mostly Sicangus, among them. Another range moved northwest of the Black Hills to the Big Horn Mountains and Yellowstone River. Members of all three tribal nations traveled and lived in this area. A third range moved northeast from the Platte River across the southern and eastern flanks of the Black Hills to the Missouri by way of the Cheyenne River; it was occupied mostly by Lakotas although the Cheyennes had a recognizable presence there as well. Finally, the fourth range, held mostly by Lakotas and a few Cheyenne, covered an area between the northern base of the Black Hills and the Cannonball River in North Dakota.

In the 1850s, there were many reports specifically identifying the whereabouts and numbers of Lakotas, Cheyennes, and Arapahos. The principal sources of information for this era include the *Annual Reports of the Commissioner of Indian Affairs* and Henry Schoolcraft's *Historical and Statistical Information Respecting the History, Condition and Prospects of the Indian Tribes of the United States* (1851-57:3:629-631). There are also Lt. G. K. Warren's 1855 map (in McDermott 1952:14-15) and reports from the Harney Expeditions (Warren 1875). Finally, Ferdinand Hayden's work *On the Ethnography and Philology of the Indian Tribes of the Missouri*

FIGURE 9. Locations of Tribal Nations, circa 1865



Arikara	Arapaho	Cheyenne	
Hidatsa	Comanche	Lakota	
Mandan	Crow		
Ponca	Kiowa		
Padouca Apache	Plains Apache		
			Location of Wind Cave

Valley (1862), was based on material he collected on his many different visits to the region.

a. Arapahos and Cheyennes

Henry J. Schoolcraft's account (1851-57:3:630) confirms the presence of Cheyennes near the Black Hills in the early 1850s, but it also suggests that the bulk of the population, along with most of the Arapahos, were located in regions south and west of the Hills. In one of his reports, Lieutenant G. K. Warren (1875:51) described much of Cheyenne and Arapaho territory as situated south of the North Fork of the Platte to the Arkansas River. Yet, he revealed that many Cheyennes wintered with the Oglalas near Fort Laramie, and that some had taken refuge with the Lakotas in the Black Hills after the Ash Hollow massacre in 1854 (Warren 1875:51). These were probably the Totomania and Masikota Cheyennes. He also prophetically pointed out that the Cheyennes "have always been friends with the Dakotas --and associate much with them...They will probably unite with the Dakotas in the event of any general war" (Warren 1875:51). Similarly, Ferdinand Hayden (1862a:276) claimed that the bulk of the Cheyennes occupied the area between the north and south forks of the Platte River, an area they shared with the Arapahos, but he also observed that they covered a much larger territory extending from the Black Hills and the Powder River country to the Arkansas River.

Cheyenne oral traditions (Wooden Leg in Marquis 1931:1, 7, 20, 33, 47-48, 58; Iron Teeth in Marquis and Limbaugh 1973:4-5; Powell 1982:2:758-760; Moore 1987:229-232) for this period consistently place the Omisis and Sutaio bands in areas between the Black Hills and the Big Horn Mountains and also at locations south of the Hills along the White and Niobrara rivers. Government reports (Twiss to Manypenny, 10 Oct 1855: 82-83; 22 Sept 1856:96) also indicate a sizable number of Cheyennes and Arapahos, 160 and 140 lodges respectively, in the midst of the Oglalas and Sicangus in areas along the White and Niobrara Rivers. These were probably Masikota and Hisiometaneo Cheyennes (Moore 1987:216), and farther south below the Platte, Sicangus were interspersed with the Cheyenne Dog Soldier or Hotametaneo bands that eventually merged with some of the Masikotas (Curtis 1907-30:6:109).

b. Lakotas

The Lakotas were widely dispersed in this period too, and as in the previous era, the divisional affiliations of bands did not always follow discrete territorial ranges. In many ways this was a very confusing period as tribes rapidly regrouped and altered their locations in the face of European American encroachment on their land, dwindling game resources, and military threats. Old band affiliations and locations swiftly changed. Bands were constantly separating and regrouping as they chose either to stay away from or face the hostilities now engulfing the region. For example, the Wazazi band is now identified with the Oglalas rather than the Sicangus (Hayden 1862a:375-376). In this period, we have an especially good picture of the Lakotas and Cheyennes who joined the so-called war or "hostile" factions and who were associated with bands under the leadership of major figures such as Little Wolf, Sitting Bull, and Crazy Horse (Vestal 1934, 1957; Sandoz 1942; Utley 1963, 1993; Powell 1982; Robinson, C. 1995). There is also good information on the whereabouts of bands who followed other famous leaders, such as Red Cloud and Spotted Tail, and those known as the *Wagluke*, or Loafers who stayed near the agencies (Bordeaux 1929:45, 84-85, 191-192; Hyde 1937, 1961; Olson 1965; Bettelyoun and Waggoner 1988; Price, C. 1996). There is much less information, however, on what was happening to the populations who stayed out of the limelight, away from the hostilities and maintained limited contact with the trading posts, and in later years, the agencies.

i. Sicangu: The Sicangu Lakotas, whose numbers were given at five hundred lodges, continued to be identified with an area that extended along the Niobrara and White rivers from their headwaters to their confluence with the Missouri (Warren 1875:48; McDermott 1952:14-15), but they were also located on the Platte (Bettelyoun and Waggoner 1988:17-19, 50-52). The Teton (or Bad) River was typically identified as the northern boundary of their territory (Schoolcraft 1851-57:3:629-631; Hayden 1862a:372). Lt. G.K. Warren (1875:47) indicated, however, that their range extended to the North Fork of the Cheyenne River. By 1854, some Sicangus ranged even farther in the company of the Cheyennes and Arapahos, who had shifted their hunting grounds from the Laramie Plains to the Republican Fork and locations as far south as the Arkansas River (Hayden 1862:372; Hyde 1961:85-86). Indeed, Hyde (1961:88) argued that when the southern Lakotas began to move farther south, “the Black Hills was already rather crowded with Sioux who had migrated westward from the Missouri, where buffalo were no longer plentiful.” In 1855, the Sicangus were continuing their southward push into the territories of the southern Cheyennes and Arapahos because, according to Hyde (1961:72), they were fearful of moving north and wintering near the Black Hills with General Harney’s expedition in the region.

ii. Oglala: In the 1850s, the Oglala Lakotas were reported to have four hundred lodges situated at various locations encircling the Black Hills along the two forks of the Cheyenne River. Some were also located between the north and south branches of the Platte River on the western side of the Hills, and others were reported as far north as the headwaters of the Powder and Grand rivers (Schoolcraft 1851-57:3:629-631; Hayden 1862:373-374; Warren 1875:48; Hurt 1974:228), although on Warren’s 1875 map, they are confined to areas along the Platte (Warren in McDermott 1952:14-15).

iii. Minneconjou and Itazipco: The Minneconjou Lakotas, with two hundred and seventy lodges, and the Itazipco Lakotas, with one hundred and fifty, were reported to travel with the Oglalas at the headwaters of the Cheyenne River and over much of the Black Hills country (Schoolcraft 1851-57:3:629-631; Hayden 1862:374; Warren 1875:48; Warren in McDermott 1952:14-15; Hurt 1974:228). On Warren’s 1875 map, the Minneconjous were situated along the eastern flanks of the Black Hills south of French Creek (Warren in McDermott 1952:14-15). The Minneconjous were also located in areas north of the Cheyenne River as far as the Moreau, while some of the Itazipcocs were reported to travel in territories along the Grand River in the company of the Hunkpapas and Sisasapas (Hurt 1974:228; Hayden 1862:373; Hurt 1974:228). Warren’s map (in McDermott 1952:14-15) places the Itazipcocs on the northern end of the Black Hills.

iv. Sisasapa, Hunkpapa, and Oohenonpa: The Sisasapa and the Hunkpapa Lakotas were listed with seven hundred and twenty lodges, and their principal territorial range was reported to cover the regions between the Moreau and Cannonball rivers (Schoolcraft 1851-57:3:629-631; Hayden 1862:374; Warren 1875:48; McDermott 1952:14-15; Hurt 1974:228). Lt. G.K. Warren (1875:48), however, noted that, after 1855, some of the Hunkpapas and Sisasapas were traveling with the Minneconjous to areas on the northern side of the Black Hills, even though the main bodies of these two Lakota divisions were still located between the Grand and Moreau Rivers (Hurt 1974:228). Finally, according to Warren (1875:48; Hurt 1974:228) and Hayden (1862:374), the Oohenonpa Lakotas (or Two Kettles), who once remained in the vicinity of Fort Pierre, were now scattered and living with other Lakota bands upstream along the Bad, Cheyenne, Moreau, and Grand rivers, and on his 1875 map, Warren (in McDermott 1952:14-15) places them at the edge of the Black Hills near Rapid Creek.

c. Dakotas

Until the 1860s, many of the Dakota-speaking Sioux, including the Yankton, Yanktonnais, Sissetons, Wahpetons, Wahpekutes, and Mdewakantons, remained at locations east of the Missouri River as far as the Mississippi River in Minnesota (Albers 2001:762; DeMallie 2001c:778). Although some of the Wahpekutes, the Yanktons, and the Yanktonnais crossed the Missouri to hunt and settle in the West River country of Nebraska, North Dakota, and South Dakota, others typically wintered farther east. Many of the Yanktons were now living along stretches of the Niobrara and White rivers, and in 1855, Lt. G. K. Warren (1856:74) recorded their presence among Sicangus with whom they were intermarrying (Dorsey, J. 1891:261; Betteylouan and Waggoner 1985:24). They were included under the terms of the 1851 Fort Laramie Treaty, although not without strong objections from the Lakotas (Woolworth 1974:223-224). In the aftermath of the 1862 Minnesota Conflict, some of the Yanktonnais, Sisseton, Wahpeton and Wahpekute Dakotas joined forces with Lakota divisions and took refuge in places like the Black Hills and Killdeer Mountains. A few remained among the Lakotas, eventually settling with them on reservations in Montana and western South Dakota, but the vast majority either escaped to Canada where they were settled on reserves in Manitoba and Saskatchewan or returned to their homelands east of the Missouri where they were assigned reservations in the 1860s. In an addendum, the Yanktonnais were made party to the 1851 Fort Laramie Treaty, and they along with the Santee Dakotas (mostly Mdewakanton and Wahpekute) became parties to the 1868 Fort Laramie Treaty: again, a source of chagrin to the Lakotas (Albers 2001:769-771; DeMallie 2001c:778-782).

d. Arikaras and Poncas

In this era, the Arikaras and Poncas, whose ranks were much depleted by epidemic disease and warfare with their neighbors, stayed close to the Missouri River and rarely ventured to the Black Hills as they once had (Parks 2001a:367; Brown and Irwin 2001:424-425). Warren (1875: 51) described the Poncas of the 1850s as a “small remnant of a once powerful tribe,” living at the mouth of the Niobrara but maintaining good relations with the Dakotas. Other evidence from this period, however, indicates that Lakotas and Cheyennes were attacking the Poncas when this population took their summer buffalo hunt to the upper reaches of the Elkhorn River (Howard, J. 1965:31; Jablow 1974:323-343). Similarly, the Arikaras were now under the constant siege of Lakota and Dakota raiding parties (Parks 2001a:367). In both cases, these tribes no longer had the military might or a strength in numbers to return to hunting ranges in the shadows of the Black Hills as they had in the eighteenth century.

3. Food Shortages and Patterns of Movement

Part of the vast territorial range the Cheyennes, Arapahos, and Lakotas covered and shared now became the ground over which Americans were establishing major sections of their overland trails to California and other destinations in the far West. The presence of these trails continued to have devastating consequences for the tribal nations whose lands they crossed. As the numbers of emigrants using these trails increased dramatically during the 1850s, the game animals on which local tribes depended were depleted and important areas of tribal settlement were threatened (Price, C. 1996:8-30). In 1854, there were scarcely any bison near the Missouri River, and even on the plains near the Black Hills, their numbers were dwindling (Hurt 1974:242). Edwin Denig (in Ewers 1961:22,25) reported the herds had decreased to such an extent that Lakotas were starting to face continual shortages of meat and hide. In 1853, Indian Agent Thomas Fitzpatrick noted the dwindling numbers of bison along the Platte near Fort Laramie (Fowler 1982:34), and two years later, Indian Agent, Thomas Twiss (to Manypenny, 10 Oct 1855:83)

noted that bison were becoming scarce along the upper Platte, and that local bands were suffering during the winter months. Indeed, by the end of the 1850s, the Black Hills no longer stood above some of the largest bison herds on the Plains. In the face of this change, many of the Lakota and Cheyenne bands who remained in the vicinity of the Black Hills were now pushing their territorial reach farther north towards the Yellowstone River and farther south towards the Republican to find good hunting grounds (Hyde 1961:97-98; Fowler 1982:34; Bettelyoun and Waggoner 1988:77).

In 1857, when the Harney Expedition encountered a group of Minneconjous surrounding bison at the western entrance to the Black Hills near Inyan Kara Mountain, Lt. G. K. Warren (1875:18-19) wrote that the Lakotas were agitated by the party's presence because it might frighten the bison into stampeding. Lakota apprehensions about the effect of a growing American presence on the bison herds were widespread at this time (Price, C. 1996:46-47). In 1859, Twiss convened a council of leaders to discuss the matter, which included spokesmen from the different divisions of the Lakotas and the allied Cheyennes and Arapahos. These leaders spoke about the growing shortage of bison on the Platte River and the necessity of moving their hunting grounds into Crow territory along the Yellowstone River. They asked the government to supplement their food needs and set up agencies to distribute provisions at different points in their combined territories (Ibid:47-48). On the Missouri, Lakotas expressed similar frustrations about the declining herds of bison, and some even advocated severing diplomatic relations with the United States. In fact, the local agent, Samuel Latta, warned the government that the safe passage of emigrants was at risk across this section of Lakota territory. By the 1860s, bison had largely disappeared along the Platte River too (Ibid:49-50).

As bison numbers declined, the combined forces of Lakotas, Cheyennes, and Arapahos renewed their hostile pressures against the Crows, Pawnees, and Shoshones. By the mid-1850s, some of the Oglalas were moving north towards the Powder and Yellowstone rivers where they joined Minneconjous, Itazipcos, Hunkpapas, Sisasapas, Northern Cheyennes, and Northern Arapahos to fight the Crows (Hyde 1937:89, 93; Powell 1982:1:164-179, 414-416). Other Oglalas in alliance with Sicangus, Southern Cheyennes, and Southern Arapahos were pushing south along the Smokey Hill River and the Republican Fork and increasing their hostilities with the Pawnees (Hyde 1961:190-193; Powell 1982:1:414-416). Finally, Oglalas in the company of Cheyennes and Arapahos were moving west across the Laramie Range and into lands historically dominated by the Utes and Shoshones. Notwithstanding agreements made at Fort Laramie in 1851 to cease intertribal warfare, battles with the Crows, Pawnees, Utes, and Shoshones continued unabated throughout this period (Bray 1994:179).

The territorial ranges of the Lakotas, Arapahos and Cheyennes became increasingly dispersed in the 1860s and even more separated after the completion of the Union Pacific Railroad in 1867. As the great ranges of the bison were divided, so were the destinies of the tribes who followed them. The southern bands of these three tribes were the ones who now spent much of the year in locations south of the North Fork of the Platte River, while the northern bands remained north of this waterway in an area that included the Black Hills (Mooney 1907b:396-411; Hyde 1937:113-118, 123, 1961:128-129; Fowler 1982:34-44; 2001:843; Moore, Liberty, and Straus 2001:865).

4. The Emigrant Trails and Rising Hostilities

In the years between 1851 and 1867, Lakotas, Cheyennes, and Arapahos were becoming more unsettled about the growing presence of emigrants and military commands in their shared territories (DeMallie 2001:795). In 1854, an altercation between a Sicangu Lakota and a Mormon emigrant over the theft of a cow led to the battle commonly known as the Grattan Incident. The fight, which took place north of Fort Laramie, led to the death of Lt. John L. Grattan and most of the men in his detachment. Frightening Bear, a Sicangu leader, and some of his followers were also killed. In retaliation for the U.S. Army's attack, Sicangu warriors started to raid emigrants along the Overland Trail. The next year, when troops under the command of General William S. Harney destroyed a Sicangu camp at Ash Hollow, the retaliatory cycle broadened. The Lakotas, along with their Cheyenne and Arapaho allies, increased both the intensity and range of their raiding activity on military forts, trading posts, emigrant settlements, and wagon trains across the vast territory they shared and controlled (Hyde 1937:72-76; Powell 1982:1:180-184; Price, C. 1996:38-40).

In his 1855 correspondence to the Commissioner of Indian Affairs, Thomas S. Twiss (1855b:81-85) responded to the growing hostilities along the Platte by recommending the closure of Fort Laramie and the establishment of agencies away from the major overland trails. Among the locations he suggested for the Lakotas, Cheyennes, and Arapahos was a site more than 100 miles north of the agency on the North Platte, one on the White River near Cache Butte, and another on the Cheyenne River near Bear Butte. Two months earlier he also remarked that none of the populations "assembled among the Black Hills, nor on the L' Eau qui Court" were hostile (Twiss 1855:78-79). A year later on September 12, 1856, he wrote a long report to George W. Manypenny, the presiding Commissioner of Indian Affairs, informing him that after recent altercations with the military, some local bands fled to the Black Hills to seek refuge there (Twiss 1856:87). In another report (Twiss 1856b:95), he described the natural assets of the Hills, which included abundant stands of ponderosa pine, juniper, and spruce as well as excellent grazing conditions at all times of the year for the "buffalo (bison), antelope, deer, elk, and mountain sheep" dwelling there. He does not imply that the Hills were as yet devoid of game, although a year earlier he claimed that bison were becoming scarce near the valley of the Upper Platte (Twiss 1855b:83). Indeed, as numerous reports from later years reveal, the Black Hills continued to be well-stocked with game, especially elk, bighorn, and deer, until the 1880s. While the Hills were no longer at the center of the region's major bison ranges, they provided sufficient game to support a seasonal use of the area especially over the winter months.

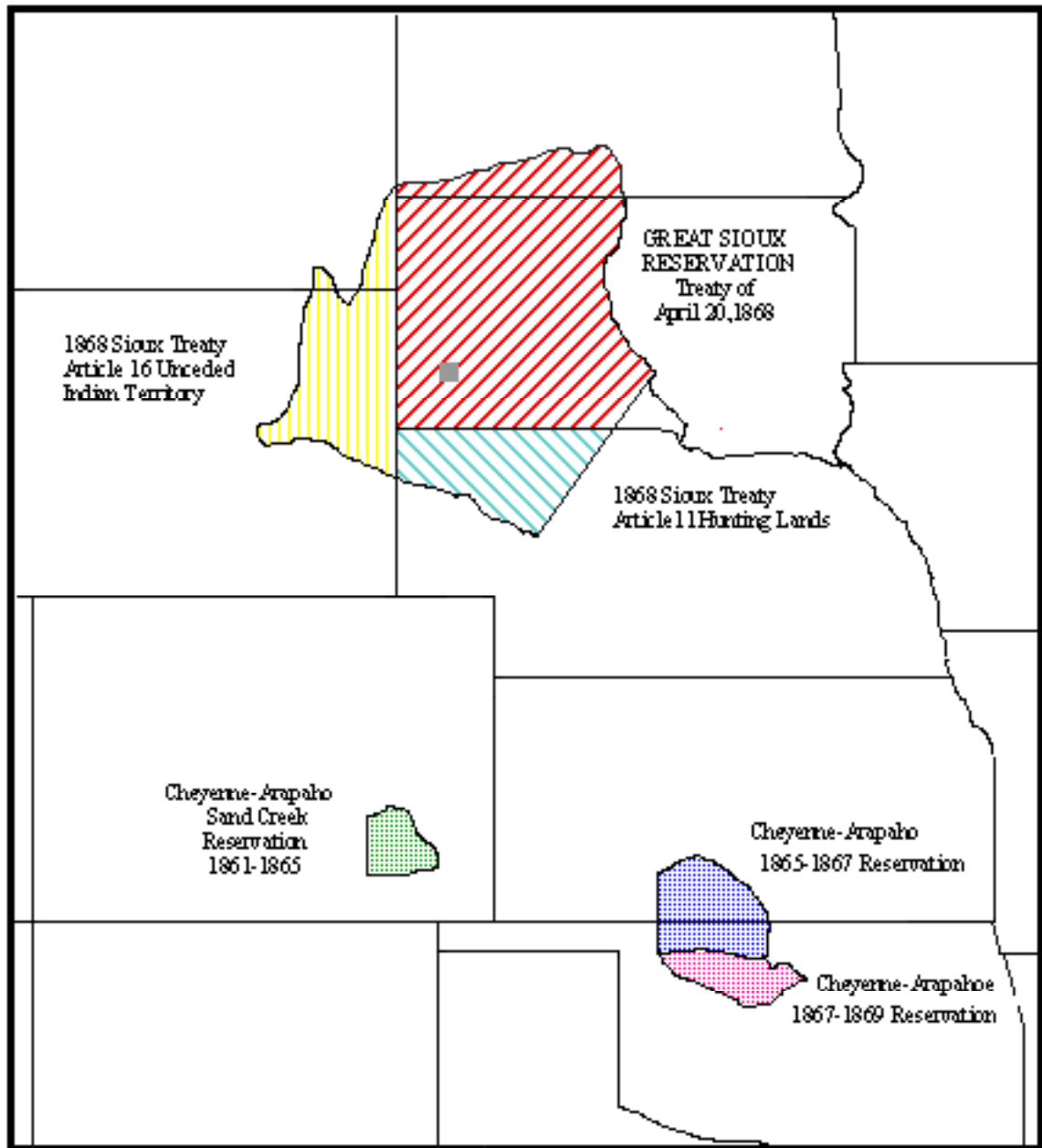
When an expedition under General Harney's command was ordered to survey the Black Hills in 1857, it met with resistance from a group of Lakotas. In his journals from the expedition, Lt. G.K. Warren (1875:19-20) wrote that the Lakotas believed the Fort Laramie Treaty only gave whites permission to travel along the Platte and Missouri, not over any other territory, especially the Black Hills where the expedition was then heading. On the tour, which skirted the edges of the Hills, the expedition encountered Minneconjous, Hunkpapas, and Sicasapas whose leaders were in agreement that the military's presence in the area was not in compliance with the provisions of the Fort Laramie Treaty (Warren 1875:20). Two years later, another government sponsored exploratory party under the command of Captain William Franklin Reynolds arrived in the Black Hills to survey them in order to determine "the numbers, habits and disposition of the Indians inhabiting the country, its agricultural and mineralogical resources" (*quoted from Mc-Laird and Turchen 1974a:21*). Once again, the Lakotas reiterated their belief that the territories beyond the major waterways of the Platte and Missouri were off-limits to whites, although the expedition was eventually granted permission to cross Lakota lands en route to the Black Hills

and even given a Lakota guide selected by local chiefs at Fort Pierre (McLaird and Turchen 1974a:29). The guide, however, left the expedition before they reached the Little Missouri River (Ibid:51). As the expedition approached the Black Hills from the east, Reynolds (*quoted from* Ibid:43) wrote: "As yet we have met no Indians, although the fires burning around us nightly show that they are watching our movements." This expedition only skirted the Black Hills on their northern edge, but its members did learn the Lakota names for many of their topographic features, such as "*Mi-ni Lu-sa*," or Running Water, for Rapid Creek (Ibid:47). While the expedition wintered near Fort Laramie, a Minneconjou named One Horn advised them not to travel farther because the younger warriors from a large Lakota camp two hundred miles north were threatening to attack them. The threats were never carried out (Ibid:57-59), but there is no question from these accounts that the Black Hills were important to the Lakotas and an area that they were prepared to defend militarily against outside encroachment.

In 1861 at Fort Wise in Colorado, the Southern Arapahos and Southern Cheyennes ceded lands that were assigned to them under the 1851 Fort Laramie Treaty in exchange for a small reservation in Colorado along Big Sandy Creek. (see Figure 10 and Chapter Eight). These lands only covered their territories in eastern Colorado and southeastern Wyoming (Berthong 1963: 149-151). Many of the Northern Cheyennes were not a party to the treaty concluded at Fort Laramie in 1851, and most of them did not enter into the negotiations at Fort Wise either. Also, many Cheyennes representing both the northern as well southern branches of the tribe, while present at the deliberations, refused to sign the treaties (Weist 1977:48). The lack of full Cheyenne representation in the conclusion of this and other treaties contributed to a bitterness and divisiveness within their tribal ranks that lasted well into the twentieth century (Powell 1982).

The continual movement and regrouping of local bands that resulted from a loss of land and a declining food base was accompanied not only by increased raiding activity along the emigrant trails but now by attacks on white settlements springing up in ceded territories. The dispossession of the Dakota from their lands in Minnesota and eastern South Dakota gradually spilled over into the country of the Lakotas and their allies. In the aftermath of the 1862 Minnesota Conflict, scores of Dakota crossed the Missouri River to seek refuge among the Lakotas. Although some of the Dakota ended up in Canada, others fled to the Badlands and Killdeer Mountains of North Dakota, and a few ended up in the Black Hills, where some stayed and even married into local Oglala bands (Curtis 1907-1930:3:178; Albers 1966-1976; Utley 1993:52-53;133-134). The Sand Creek Massacre two years later, in 1864, marked another major turning point in the rising hostilities with the United States. After a peaceful Wotapio Cheyenne village, under the leadership of Black Kettle, was brutally attacked by American cavalry, a combined force of Cheyennes, Arapahos, and Lakotas was quickly mobilized to take retaliatory action. As the oral traditions of these tribal nations amply testify, Cheyenne pipe carriers went to camps throughout the vast territory they held in common, an area now extending from the Yellowstone River in the north to the Arkansas in the south and from the Rocky Mountains in the west to the Missouri River in the east. From all locations, the warriors of the three tribes were assembled to seek revenge, with Julesburg, Colorado being the first in a long line of white settlements attacked in the aftermath of Sand Creek (Grinnell 1956:165-262; Bent in Hyde 1968:137-222; Powell 1982:2:299-342; DeMallie 2001:796). After the Minnesota Conflict in 1862 and the Sand Creek Massacre in 1864, what had once been small-scale skirmishes and counter-raids turned into a full-fledged war between the United States and the Lakotas, Cheyennes, and Arapahos (Hyde 1937:109-113; Utley 1963:319-322; Fowler 1982:28-32; Price, C. 1996:37-41; DeMallie 2001:796; Moore, Liberty and Straus 2001:865).

FIGURE 10. Sioux, Cheyenne & Arapahoe Reservations and Hunting Lands



Location of Wind Cave ■

After 1864, a large number of bands, which would become known as the “hostiles,” came together in a single alliance made up of Lakotas, Cheyennes, and Arapahos. The warriors of the allied bands continually attacked American soldiers setting up posts on the Bozeman Road along the Platte River north of Fort Laramie (Powell 1982:1:375-390). These bands generally traveled, hunted, and stayed together in locations that stretched between the northern edge of the Black Hills and the Yellowstone River (Powell 1982:1:385, 387). As it had in 1857, Bear Butte on the outskirts of the Black Hills became a central location for large multiracial encampments, where various bands came together to discuss their military tactics and political strategies (Warren 1875:52). Two of the largest gatherings took place in the years 1866 and 1868 (Hyde 1937:82, 152-153, 1961:78,106; McLaird and Turchen 1973:386; Singing Bear in Stars, Iron Shell, and Buechel 1978:353-359 [also in Buechel and Manhart 1998:604-617]; Schukies 1993: 288; Powell 1982:1:325-326, 2:781; Lazarus 1991:25; Price, C. 1996:81-82).

5. The 1868 Fort Laramie Treaty and Its Prelude

After the U. S. Army failed to defeat the combined military forces of Arapahos, Cheyennes, and Lakotas in 1865, the federal government made another effort to negotiate a lasting peace with these tribal nations that would permit the construction of roads and posts to accommodate overland travel. Towards this end, the federal government authorized a commission to study the state of Indian affairs in the West and to initiate meetings with as many Lakotas, Arapahos, and Cheyennes as possible to reach some resolution. Over the next three years, meetings were held at agencies throughout the vast territorial ranges these tribal nations shared in common (Weist 1977:58-59; Powell 1982:1:417-450; Lazarus 1991:33-37; Price, C. 1996:55-61).

On June 1, 1865, a federal commission was convened at Fort Laramie to begin negotiations to gain permission from the Oglalas, Sicangus, Northern Cheyennes, and Northern Arapahos to build roads along the Platte, Powder, and Yellowstone rivers. In order to insure that all bands were included in the deliberations, the Loafer bands at Fort Laramie were dispatched to find and bring in tribal leaders from the far reaches of the Powder River country. Over the next nine months, the leaders of a number of Lakota, Cheyenne, and Arapaho bands signed the treaty, one by one, in hopes of bringing about a general peace (Weist 1977:59; Lazarus 1991:33-37; Price, C. 1996:55-61). Still, many of the bands allied with Red Cloud had not signed. In May of 1866, leaders from the northern Lakotas, Cheyennes, and Arapahos, who were often identified as the “hostiles” or “war faction,” arrived at Fort Laramie to negotiate with treaty commissioner E. B. Taylor. While the deliberations were underway, the tribes learned that military troops under Colonel Henry B. Carrington were already moving into the area to build roads without their consent. Infuriated by this, many abruptly left the proceedings (Weist 1977:59; Price, C. 1996:55-61). The government, however, continued to deliberate with those who remained, most of whom were leaders of the southern Oglalas and Sicangus, along with some of the Cheyennes who lived among them. After the negotiations were completed and the treaty signed, the southern leaders and their followers, now often referred to as the “friendlies” or “peace-faction,” returned to their hunting and wintering grounds located well south of the Platte River along the Republican Fork of the Smokey Hill River in Nebraska and Colorado. Their readiness to sign this treaty was no doubt a reflection of the fact that the areas being negotiated were outside their territorial range. Because the signatures of the northern Oglalas, Cheyennes, and Arapahos were not secured, Congress never ratified this treaty (Price, C. 1996:61).

With a complete breakdown in relations between the United States and the northern bands of Lakotas, Cheyennes, and Arapahos, travel along the Bozeman Trail was virtually closed. Over

the next few years, several well-known battles took place along its route, including the famous Fetterman fight in the winter of 1866 (Hyde 1937:140-149; Olson 1965:41-45; Powell 1982: 1:451-462; Price, C. 1996:61-64; DeMallie 2001:796). As hostilities with the United States escalated, many Lakotas, Cheyennes, and Arapahos, who typically wintered in areas south of the Platte, left their bands and joined forces with their northern relatives. During these troubled years, the Cheyennes, Oglalas, and Sicangus continued to take their women and children to the shelter of the Black Hills for safety (Powell 1982:1:386-387; Fowler 1982:43-44; Bettelyoun and Waggoner 1988:68; Larson 1997:81). Even some of the northern Lakotas, the Hunkpapas and Sicasapas, and various divisions of the Dakotas, such as the Sissetons and Yanktonnais, began to use the Hills as shelter in the wake of battles with the U.S. military (Curtis 1907-30:3:178).

The ranks of the Oglalas, Minneconjous, and Itazipcos who typically wintered and hunted northwest of the Black Hills swelled in these years. They drew Sicangus and more Oglalas from the south, along with Hunkpapas, Sicasapas, Yanktonnais, Sissetons, and Wahpekutes disillusioned by events unfolding in the east (Larson 1997:81-83; Vestal 1934:51,53; Hyde 1937:113, 1961: 106). Similarly, many Cheyennes who had taken up territories in the south returned to locations in the north to join forces with the Osmisis and Sutaio bands that lived in areas north of the Black Hills (Powell 1982:1: 417-425, 2:722-729). The Arapahos returned north too with Black Bear and his followers, many of whom were intermarried with Lakotas, and they lived in the region between the North Platte and the Black Hills (Fowler 1982:43). In time, however, the followers of the northern bands dwindled as many of the southerners and easterners returned to their homelands south of the Platte and east of the Missouri River (Price, C. 1996:68-70).

Under increasing pressure from American citizens to open more roads to destinations in the West and to ensure their safe passage, Congress authorized monies for another round of treaty deliberations to secure the interests of the United States in the vast territorial domain of the Lakotas, Cheyennes, and Arapahos. On July 20, 1867, Congress passed Senate Resolution 136, a bill that authorized the creation of the Indian Peace Commission. The leaders of the commission, included Nathaniel Taylor, Commissioner of Indian Affairs, Samuel Tappen, a reformer, John Sanborn, a former member of the Sully Commission, John Henderson, a U.S. Senator, Lt. General William Sherman, Maj. General Alfred Terry, and retired General William S. Harney (Maj. General Christopher Auger served as Harney's replacement) (Berthong 1963:289-290; Price, C. 1996:71-72). By mid-September, the commission had held a preliminary meeting with representatives of the Sicangus and various Loafer bands at Fort Laramie before traveling to Medicine Lodge Creek in Kansas to negotiate with the Kiowas, Plains Apaches, Comanches, Southern Cheyennes, and Southern Arapahos. The treaties [15 Stat. 589, 15 Stat. 593] with these tribes were concluded on October 17 and 28, 1867 at Medicine Lodge Creek (Kappler 1903: 2:759-764). Under the provisions of their treaty, the Southern Cheyenne and Southern Arapaho relinquished the Sand Creek Reservation in Colorado and all title to lands in Kansas in exchange for reservation lands in western Oklahoma (see Figure 10 and Chapter Eight). Also, they retained the right to continue hunting off-reservation as far north as the Arkansas River as long as the bison remained in the region and as long as the tribes did not interfere with the construction of railroads and the passage of travelers along the overland trails (Berthong 1963:297-298). The question remains, however, whether the entire body of the Cheyenne and Arapaho tribes was represented at these deliberations. Clearly, it was not; for as the subsequent history of these tribes reveals, many of the Cheyennes associated with the Dog Soldier bands refused to sign the treaty (Berthong 1963:299) and most of the northern Arapaho and Cheyenne bands were never a party to it.

The commission then returned north to resume negotiations with the Sioux² amongst contentious discussion and debate. As Catherine Price (1996:71-71) describes the conflict, one of the most serious difficulties in negotiating treaties was that no one from the Sioux nation was empowered to speak for everyone. Also, no one considered abandoning their way of life as long as game could still be found near the Black Hills and along the Republican Fork, the Tongue, Powder, and Yellowstone rivers. Nevertheless, over the next several months negotiations were carried out at locations along the Platte and Missouri rivers with several divisions of the Teton Sioux, including the Sicangu, Oglala, Minneconjou, Hunkpapa, Sicasapa, Oohenonpa, and Itazipco, plus the Lower Yanktonnai, Cuthead Yanktonnai, and Santee Dakotas. The treaty [15 Stat. 635], dated April 29, 1868, reveals some of the concessions the United States was willing to make to insure an overall peace (Kappler 1903:2:775; Price, C. 1996:84-86). These included the abandonment of the Bozeman Trail, the withdrawal of all military troops from the area, and provisions to exclude, subject to special permission, all whites from Sioux land, which was defined as a broad area, extending north from the Niobrara to the Cannonball River and west of the Missouri river to a line that followed the western boundaries of the present day states of North and South Dakota. All lands outside these boundaries were to be ceded to the United States with the stipulation that the Sioux retained the right to hunt on the Republican Fork of the Smoky Hills River and along the Powder, Tongue, and Yellowstone rivers as long as buffalo remained in sufficient numbers to justify a hunt (see also, Figure 10 and Chapter Eight). Except for hunting at the aforementioned locations, the tribes were expected to remain within their reservation. For the lands they ceded, the tribes were promised a payment issued as annuities to be paid out over thirty years in the form of food, clothing, and other goods and also in the form of services to assist in their acculturation. In the spring and summer of 1868, a good portion of the Sioux signed the treaty at various locations in their territorial range (Lazarus 1991:48-63; Price, C. 1996:71-79; DeMallie 2001:796-797).

A few weeks later, on May 10, 1868, a separate treaty [15 Stat. 655] was negotiated at Fort Laramie with the Northern Arapahos and Northern Cheyennes (Kappler 1903:2:778-781). This treaty gave these two tribes a choice of either settling among the Sioux with their permission under the terms of the April 29th treaty or relocating to the reservation established for the Southern Arapahos and Southern Cheyennes under the terms of the Medicine Lodge Treaty. All of the leaders of the Northern Arapaho apparently signed this treaty, and some Northern Cheyenne leaders did so as well, although others, including Little Wolf and Dull Knife, did not participate in the May negotiations (Powell 1982:758-766; Fowler 1982:46-47).

Even though the Northern Arapaho are explicitly listed as parties to the Fort Laramie Treaty of 1868 with the Sioux [15 Stat. 635], they do not appear to have signed this statute. The Northern Cheyennes were not named at all: they were included, however, under Article 12 as “such other friendly tribes or individual Indians as from time to time may be willing, with the consent of the United States, to admit among them.” The failure to formally acknowledge the Northern Cheyenne presence in name not only created bitterness, it also set the stage for many of the tragedies that befell them in the coming decades. In later years, the *Omisis* or Northern Cheyennes strongly believed that they had been robbed of their birthright in the two 1868 treaties. As Father Peter Powell (1982:2:760) writes:

The commissioners did not comprehend one important fact and that is that the Ohmeseheso believed that they not the Lakotas were the true owners of much of the country included in the proposed Sioux reservation. Bands of the People, with their friends the Arapahoes, lived in the Black Hills country before the first Lakota bands made their home there. From the Black

² Sioux is used here to refer collectively to the Lakota and Dakota populations who were included in this treaty.

Hills, bands of the People moved out into the rich game lands between the Black Hills and the Big Horn Mountains, making these lands part of the People's country before any Lakotas made them their home there. Generations before, a party of the People, most of them Sutaio, crossed the Missouri River at the old Cheyenne Crossing. From there, they moved down into the valley of the Elk River or the Yellowstone. From that time on, the Sutaio considered the lands south of the Yellowstone to be part of their own country. Northern people considered the North Platte River to be the southern boundary of their lands.

It must be remembered that in the late 1860s many of the Northern Cheyennes were distributed over much of the same territorial range as the Lakotas. Although most of them occupied the country between the northern reaches of the Black Hills and the Yellowstone River, some were affiliated with the Sicangu and Oglala Lakotas who wintered at locations from the southern edge of the Black Hills to the White River and beyond (Powell 1982:2:693-778).

William Swagerty (1988: 72, 83) theorizes that the willingness of tribal leaders to sign the 1868 Treaty was more a function of the hunger their people were facing at this time than the military might of the U.S. army. But according to the recollections of some of the traders of the time, it was more likely the result of intimidation and the misleading information given them. In the case of the Cheyennes, they were told that the federal negotiators recognized and acknowledged their claims to the Black Hills and all of the country that surrounded them from the north branch of the Platte to the Yellowstone River. Clearly, none of the most prominent and independently minded leaders of the Northern Cheyenne and Northern Arapaho would have signed this treaty on the 10th of May unless they had thought otherwise (Powell 1982:2:768-770). Indeed, John Moore (1981:11) writes that the Northern Cheyenne believed, even more specifically, that a reservation would be established for them in the Black Hills. Whether or not this conclusion can be reached from the language of the treaties is debatable, but one thing is clear: the Northern Cheyennes and especially the Northern Arapahos, who are explicitly named, do have legal entitlements to the Black Hills under the terms of the April 29 [15 Stat. 635] and May 10 [15 Stat. 655] Fort Laramie treaties.

After the conclusion of the two Fort Laramie treaties in 1868, most of the Lakotas, Arapahos, and Cheyennes moved back to their respective hunting grounds. Some of the Sicangus with their Cheyenne and Arapaho friends returned to the headwaters of the Niobrara and south to the Republican Fork to hunt, and many of the Oglalas and their northern Cheyenne and Arapaho friends went back to the Powder, Tongue, and Yellowstone river country where in the following months discussions were held with the nontreaty bands (Hyde 1961:148). Red Cloud and other Oglala leaders, who had not been a party to the original treaty negotiations, came to Fort Laramie to discuss the treaty further and eventually signed it in November of 1868. Some of the northern Oglalas and Cheyennes, however, still refused to sign and never became a party to it (Powell 1982:1:68-77; Price, C. 1996:79-83).

B. 1869-1877

One of the many consequences of the 1868 Fort Laramie Treaty was a growing political divisiveness within tribal ranks. With the possible exception of the Northern Arapahos, the Lakotas and the Northern Cheyennes were split between bands that tried to accommodate their lives to the realities of establishing permanent settlements near government agencies and those who resisted this way of living and tried to maintain their independence at locations far removed from the agencies. As the Lakotas, Northern Cheyennes, and Northern Arapahos, tried to make sense out of their new realities and find alternative paths to survival under radically changing circum-

stances, movements were afoot in Washington D.C. to get more of their land ceded, not the least of which was their beloved Black Hills.

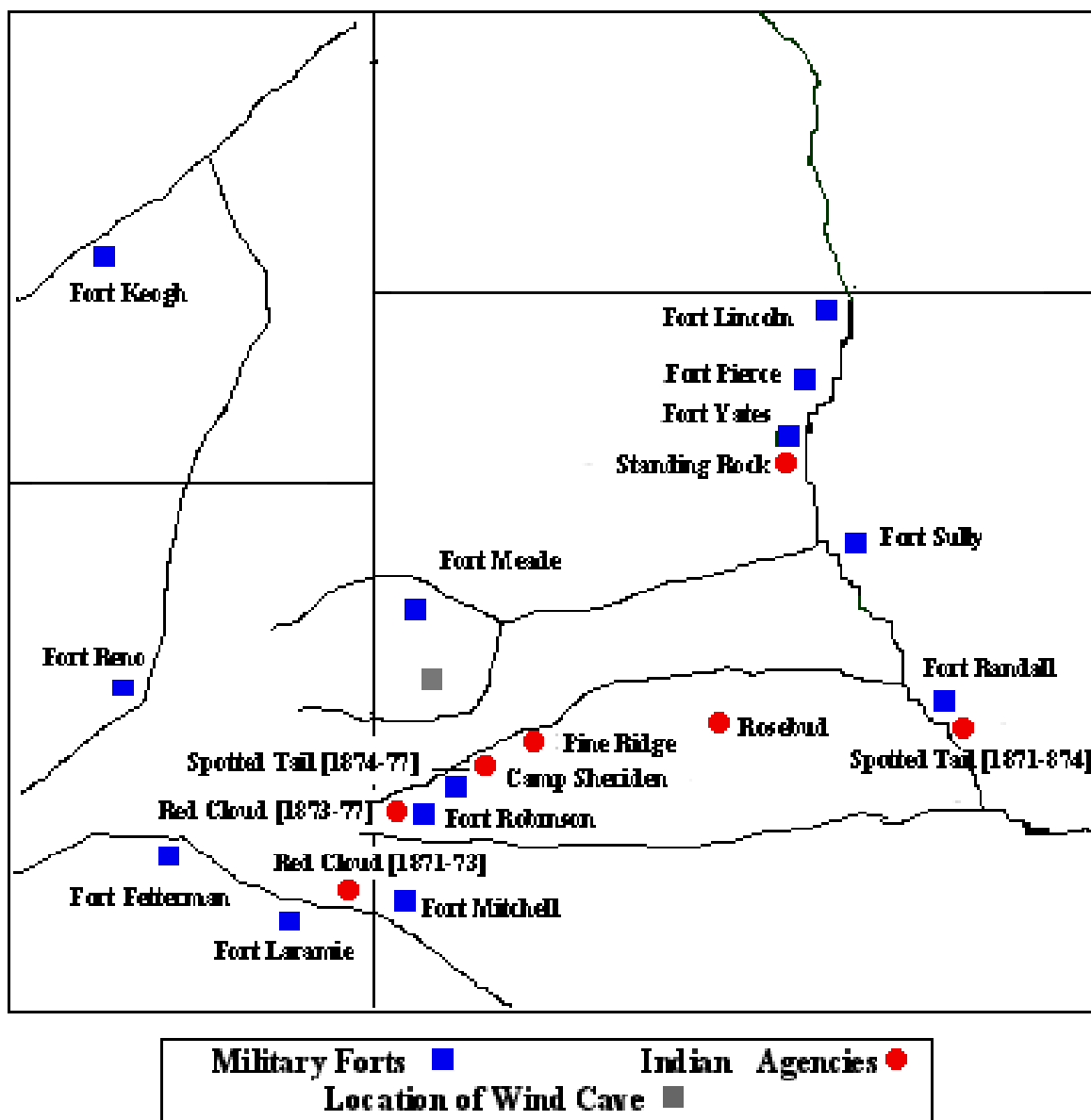
In the early 1870s, the United States experienced a major economic depression. As farmers lost their lands, workers their jobs, and entrepreneurs their businesses, the federal government was under growing pressure to acquire and open lands that would stimulate development in a starving economy. The gold fields in Colorado and Montana were already settled and no longer held opportunities for new riches. The Black Hills, however, were still untouched and unexplored. As early as 1861, tales of their gold and other precious metals fueled speculation and organized schemes to colonize them, but it wasn't until the early 1870s that the truth of these rumors would be confirmed. Against the background of the nation's failing economic health, the federal government authorized expenditures to explore the interior regions of the Black Hills in 1874 and 1875. When news of the Black Hills Expedition's gold discoveries reached the public, thousands of prospectors, land speculators, merchants, and settlers rushed to the Black Hills, which were still part of the Great Sioux Reservation and legally in possession of the Lakotas and other tribes who were parties to the Fort Laramie Treaty of 1868. In 1877, Congress passed legislation that authorized the illegal taking of the Hills in the face of considerable tribal protest. Since the period between 1869 and 1877 represents such a critical time, a moment in history whose consequences remain unsettled to the present day, it needs to be covered here in some depth.

1. Agency Life

In the decade after the Fort Laramie Treaty was ratified by Congress in 1868, the federal government began the process of building agencies (see Figure 11) that would serve not only as locations for distributing annuities guaranteed under the terms of the treaty, but also as sites for assimilating the tribes into an American way of life as educated Christians and small-scale farmers. The first agency for the Lakotas was established on the Missouri River at Whetstone Creek near Fort Randall, but because it was too far for most of the bands to travel, other agency sites were set up in the following years along the Grand River, the Cheyenne River, and the North Fork of the Platte (DeMallie 2001:797). The question of where to locate agencies for the tribes was a source of considerable consternation for tribal and federal government officials alike. Indeed, the agency for Red Cloud and his Oglala followers was moved several times in the decade after 1868: it was located on the North Platte east of Fort Laramie from 1871 to 1873, near Fort Robinson at the headwaters of the White River from 1873 to 1877, and then near Pierre on the Missouri from 1877 to 1878, after which it was permanently established at Pine Ridge. Similarly, Spotted Tail and his Sicangu followers were moved from agency locations on the Missouri between 1868-1871 to sites near Fort Sheridan from 1871 to 1877 and back to the Missouri from 1877 to 1878 until a final agency was established at Rosebud (Olson 1965:271).

The issue of where to locate the Northern Arapahos and Northern Cheyennes was even more problematic (Powell 1982: 2:766, 817, 824-825). During the years between 1869 and 1877, the Northern Cheyennes and Northern Arapahos did not have separate agencies and received their annuities mostly at the sites serving the Oglalas, although some Cheyennes became affiliated with the Sicangus (Scott 1907; Bad Heart Bull and Blish 1967:287-288; Powell 1982:2:824-825). According to Loretta Fowler (1982:47-50), the Arapahos were set adrift in the years following the 1868 Treaty. In fact, Medicine Man and Black Bear, two leaders of the Northern Arapahos, enlisted the help of the commanding officer at Fort Fetterman in 1869, asking to be placed on the Wind River Reservation, which had been reserved for the Shoshones, but this could not be arranged. Nor were they able to negotiate a location for a settlement near Fort Casper in Wyoming. Some even went north to the Milk River in Montana to determine whether it would be

FIGURE 11. Locations of Agencies and Military Forts



possible to settle at Fort Belknap with their Atsina relations, but others decided to affiliate with the Red Cloud Agency within the boundaries of the Great Sioux Reservation. Sickness and death plagued their stay on this reservation. While they collected their rations at the agency, they spent little time there, preferring instead to camp and hunt in the areas they commonly lived and traveled on the western side of the Hills. The Northern Arapahos were not the only ones who avoided the agencies. Many Northern Cheyennes and Lakotas also spent most of the year elsewhere and only came to the agencies to collect annuities; otherwise, they stayed in their former territorial ranges and followed a life revolving around the pursuit of bison and other game (Hyde 1937:187-229, 1961:170-196; Powell 1982:2:815-830; Fowler 1982:49-55; Price, C. 1996:102-132).

By 1870, however, greater numbers of Lakotas, Cheyennes, and Arapahos were camping around the agencies because of the growing shortage of game in the region. As time moved on, they became more dependent on the supplies of food, clothing, and other annuities the government was distributing under the terms of the 1868 Fort Laramie Treaty. In the early 1870s, nearly two thousand lodges of Oglalas, Minneconjous, Itazipcos, Cheyennes, and Arapahos were reported to draw rations at Fort Laramie. Government agencies were becoming like trading posts, places where some bands stayed year-round, following the earlier pattern of the Loafer, *Wagluke*, band of Sicangus, whose daughters had married traders at Fort Laramie. A few even attempted farming (Poole to Parker, 20 Aug 1869:315-316). Some began to use the agencies as a winter camping location, a place to collect their annuities and to stay through the coldest months before they returned to their favorite hunting grounds in the late spring (see Chapter Seven). Others, however, spent little time at the agencies and came there only to collect their rations (Hyde 1937: 187-229, 1961:170-196; Powell 1982:2:815-830; Fowler 1982:49-55; Price, C. 1996:102-132).

It is important to remember that the Northern Arapahos and Northern Cheyennes were included under the provisions of the 1868 Fort Laramie Treaty and in its annuity distributions. Indeed, Red Cloud recognized their rights to these distributions when he said at a council held at Fort Laramie on June 12, 1871: "I told you to wait until I had seen the Cheyennes and Arapahos, that I wanted to divide the goods with them. I want to do so again" (Cree, 12 June 1871: 25). In 1876, according to A.G. Lawrence (1876: 200), one thousand Cheyennes were considered by the government to be a part of the Sioux Nation.

Meanwhile, large numbers of Lakotas, Cheyennes, and Arapahos, who remained in the Powder River region and in areas farther north, had still not signed any treaty with the United States. Most of them remained largely independent of the agencies, although in some years they camped with their relatives among the treaty bands. In 1874, Agent J. J. Saville (1874: 251) complained to the Commissioner of Indian Affairs from Red Cloud Agency of the problems with feeding the non-treaty Indians. In his 1875 report (Saville 1875: 250), he wrote the following:

The tribes of Indians who are supplied and remain more or less constantly at the agency are the Ogalla Sioux and Northern Cheyennes and Arapahoes. The Ogallalas are divided into four principal bands: the head band, usually called Ogallalas, Klocales, Onkapas, and Wazazles. Each of these bands are subdivided into smaller parties, variously named, usually designated by the name of their chief or leader. In consequence of their roving habits and proximity of the hunting region of the Black Hills, Big Horn, and Powder River countries, the number of Indians at the agency at different times is variable. This constitutes one of the chief difficulties in making an accurate distribution of food and in making estimates of the quantity required for a year's supply. The rapid destruction of the game caused last year a larger number to remain permanently at the agency, rendering an increase in the amount of supplies necessary. As there are no means of ascertaining the facts regarding the amount of game, or the exact number of Indians remaining in the hunting regions, estimates must of necessity be but approximate.

From reports such as the above, and also from the twentieth century recollections of Lakotas and Cheyennes, it is apparent that many bands continued to depend on traditional economic pursuits for their livelihood and had only marginal ties to the agencies (Wooden Leg in Marquis 1931; Hyde 1937:205-229; Powell 1982:2:926-930; Black Elk in DeMallie 1984:154-155; Arnold in Crawford and Wagonner 1999:287-288).

2. Tribal Occupancy of the Black Hills

Before the invasion of gold miners, the Black Hills remained an important settlement and resource procurement area for local tribes (see Figure 12). Although bison had largely disappeared from the region, Ferdinand Hayden (1862:373-374) reported there were still enough elk, antelope, deer, and bighorn “to afford the Indians moderate support.” The region near the Buffalo Gap and Wind Cave National Park was reported to be a popular winter camping area. Luther Standing Bear (1975:3, 17-23), a Sicangu Lakota who was born in a winter camp near the Black Hills in 1868, remembered spending time in this area, probably in the fall and winter of 1872-1873. He wrote:

The entrance to the Black Hills was through a narrow passage known as ‘Buffalo Gap.’ The wild animals came in through this gap for protection from the icy blasts of winter, and the Sioux likewise went there. There were springs of clear water and plenty of wood. Nature seemed to hold us in her arms. And there we were contented to live in our humble tipis all through the rough winter (Standing Bear 1975:17).

Nicholas Black Elk (in DeMallie 1984:155-156) also recalled camping at the Buffalo Gap in the spring of 1874, and *Mato Chatka* [Left Hand Bear] (in Hot Springs Star, 22 July 1937) spoke about the Wind Cave area as the old hunting grounds of his people. Indeed, stories about this area invariably involve hunters and hunting (Wounded Horse in Koller 1970:1-2; Red Cloud in Matson 1972:39-42; Swift Bird in Kadlecek and Kadlecek 1981:147-148).

The nearby Fall River and Hot Springs region has long been written about in local history sources as a popular camping area for the Lakotas and Cheyennes (Richter n.d.; Cook 1888; Rosen 1895: 473; Tallent 1899:644, 695; Brown and Willards 1924:18; Casey 1949:283-285; Williams 1952:7; Eastern Custer County Historical Society 1967-70:140; Clark, B. 1983:3-4). These sources uniformly identify the Cheyennes as the area’s original occupants who, after a heated battle with the Lakotas, were forced to leave. The Lakotas then held the springs until 1877. John Stetter, an early white settler, remembered seeing a band of Lakotas bathing at Hot Springs when he came to the Hills in the summer of 1874 (Ritcher n.d: 1; Clark, B. 1983:17). Nakpogi Ogiya, a Lakota, also described a camp located in this area in a story he shared with Ivan Stars in 1915 (in Stars, Iron Shell, and Buechel 1978:319-320 [also in Buechel and Manhart 1998:543-546]). According to S.D. Cook (1888) and Peter Rosen (1895:473), this was a region where whites were forbidden to come, and of all areas in the Black Hills, it was the one with which the Lakotas were most reluctant to part.

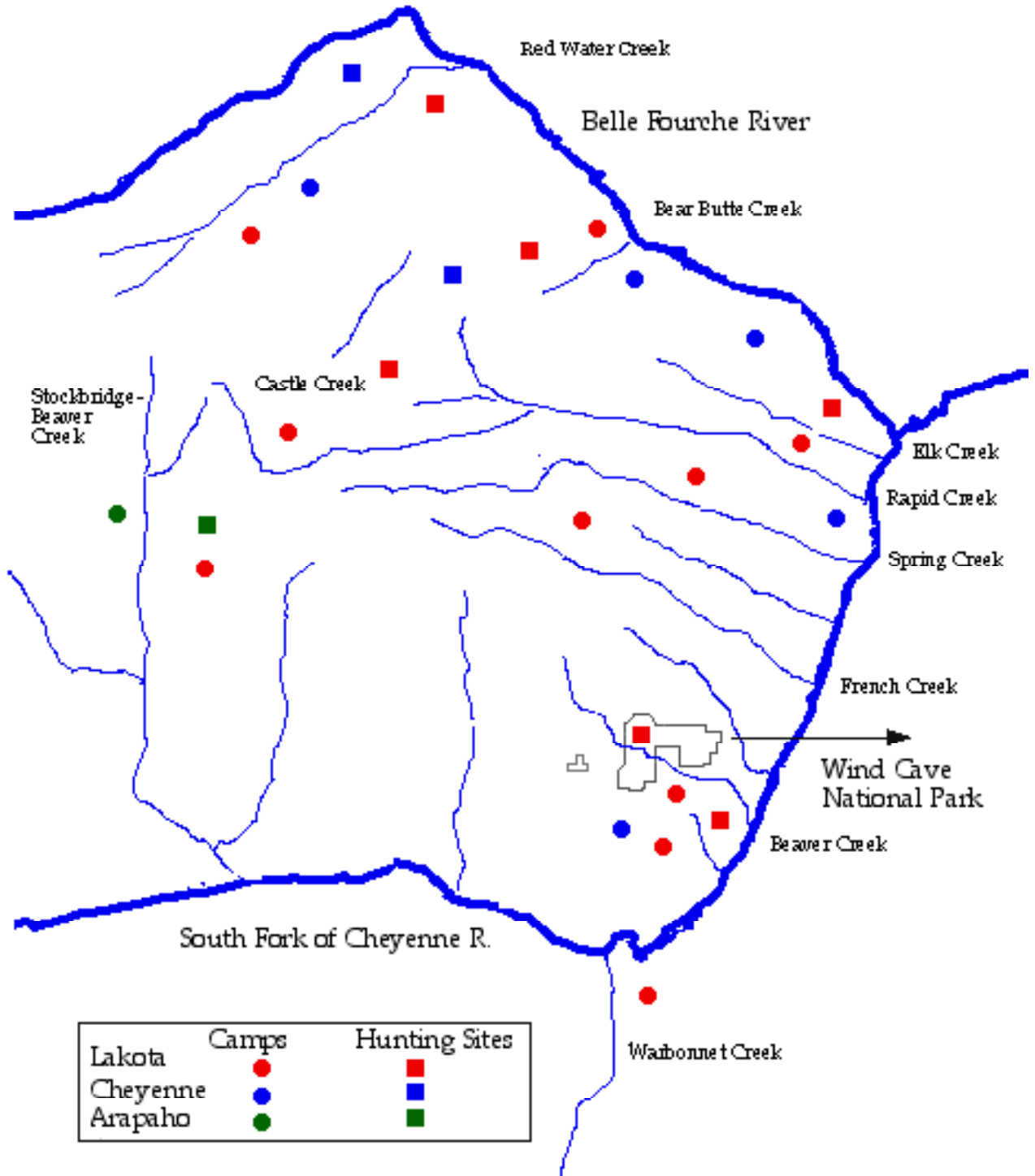
Many other locations in the Black Hills were also identified as winter camping sites. In the 1930s, One Bull and White Bull told Dick Stone (1982:23-25) that the region around Devil’s Tower was a popular camping area for the Oglalas and the Hunkpapas, and that the valley where Sylvan Lake is now located was a wintering location for their grandfather. Both of these men also indicated to Stanley Vestal (1934:5-6) that they were born in the vicinity of Bear Butte near Spearfish Creek and the Belle Fourche River and that Chief Hump was born near this site. They reported other times when Minneconjous camped in this area too (Vestal 1934:132). American Horse and Clarence Three Stars also reported that their families often camped in the vicinity of Bear Butte (U.S. Senate 1897:3, 12). Thomas Odell (1942:24-25) added more information on the importance of this region as a winter camping ground for the Lakotas, and so did James LaPointe (1976:4, 89), who also noted that Rapid Creek was a popular settlement location. Chauncy Yellow Robe’s *tiospaye* was another Lakota family who wintered in the northern Hills near the Belle Fourche River (McKelvie 1960:92-93), and Crazy Horse’s people were said to have

wintered at locations on the western side of the Hills (Standing Bear and Black Elk in DeMallie 1984:164). In 1915, Wawoslata and Singing Bear narrated stories to Ivan Stars about camps along the Race Track and at Bear Butte (in Stars, Iron Shell, and Buechel 1978:264-270, 353-359 [also in Buechel and Manhart 1998:452-463, 604-617]). Finally, Spotted Elk (in Stars, Iron Shell, and Buechel 1978:359-362 [also in Buechel and Manhart 1998:617-622]) informed Iron Shell that Spotted Tail and his people traveled all around the Black Hills.

With the possible exception of the area where Sylvan Lake is now located, most of the Lakotas' winter camping locations skirted the lower elevation valleys on the edges of the Hills' central core. In the spring and early summer, however, Lakotas frequently camped in the higher elevation interiors. In 1874, the Black Hills Expedition came across a small Lakota camp in Floral Valley (Ludlow 1875:16; Calhoun in Frost 1979:53-54, 59; Donaldson in Krause and Olson 1974:61; Curtis in Krause and Olson 1974:121, 173-174; Grant in Krause and Olson 1974:250; Forsyth in Krause and Olson 1974:255-256). This expedition and the one led by Dodge (in Kime 1998: 75, 79, 96) a year later discovered the remains of several recent encampments in the area. Other locations for summer occupation are reported in tribal oral histories and ethnographies. Rapid Creek was a popular, summer camping site for Spotted Tail and other Sicangus (Bordeaux 1929:45, 84-85, 191-192). Sitting Bull's group was known to camp here during the summer as well (Born 1994:24). This area, along with Spring and Split Toe Creeks, were places Black Elk (DeMallie 1984:155-156) reported his family stayed in the spring of 1874. Henry Standing Bear told John Niehardt (in DeMallie 1984:158) that during the same spring his family camped with Minneconjou at Forest Creek on the northern side of the Black Hills, and Little Day, a Sicangu, remembered spending a summer in the camp of Meddling Bear at the northern edge of the Black Hills in the early 1870s as well (Hassrick 1964:12-13).

The Cheyenne Wooden Leg (in Marquis 1931:1, 7, 20, 33, 47-48, 58), who was born near the Black Hills in 1858, recalled camping and hunting in the northern region of the Hills during his childhood, and two Cheyenne women, Iron Teeth (in Marquis and Limbaugh 1973:4-5) and Hoistah (Barrett 1913:3-5) remembered the days of their youth in the shadows of the Black Hills. In these years, other Cheyennes were reported to camp on the northern side of the Hills near Bear Butte too and at Red Water Creek (Powell 1982:2:793, 923). Thomas Odell (1942:13-14) recorded numerous locations where elderly Cheyenne told him they once lived, including Rapid and Bear Lodge creeks. Annie Tallent (1899: 48) wrote about encountering a non-hostile band of Cheyennes at the northeastern edge of the Hills in the fall of 1874, and White Cow Bull told Ivan Stars in 1915 about a Pawnee attack on a Cheyenne village in the southern Hills (in Stars, Iron Shell, and Buechel 1978:208-210 [also in Buechel and Manhart 1998:364-369]). Finally, some of the Arapahos associated with Black Bear were reported to commonly winter along Rawhide Creek near present day Newcastle, Wyoming (Black Elk in DeMallie 1984:371; Fowler 1982:43). Most of the recollections on the whereabouts of Lakota, Cheyenne, and Arapaho camping places in and about the Black Hills, however, refer to the period before large numbers of miners invaded the area in the fall of 1874. It is clear that much of this use was threatened and curtailed when large numbers of Americans started to enter the area in search of gold.

FIGURE 12. Some Reported Locations of Lakota, Cheyenne, and Arapaho Hunting and Camping Sites



3. Rumors of Gold

The tribal nations who lived in the Black Hills were certainly aware of the region's gold before Custer made its presence widely known in 1874 (Spring 1949:22-25; Herman 1958:G-2; Hughes, R. 1957:14; Marquis and Limbaugh 1973:37; Sundstrom, J. 1977:11, 1994:16). As early as 1804, the correspondence of Spanish traders on the Missouri River reveals that local tribes knew about gold and other valuable minerals in the Black Hills (Nasatir 1952:738). In the 1840s, Father De Smet is reputed to have warned the Lakotas that they would lose the Black Hills if Americans discovered their gold (Parker, W. 1966:11-16; Sundstrom, J. 1977:12). Early itinerant trappers and traders, including Tousaint Kensler, were known to trade for gold from tribal people who found it in the Hills. Indeed, before Kensler was hung for murder in Montana, he claimed that he found gold in 1864 somewhere near the headwaters of French or Beaver creeks (Palais 1941:8-9). Several stories in the oral traditions of American Indians and fur-traders reveal that knowledge of the Hills' gold was a jealously guarded secret (Wooden Leg in Marquis 1931: 55; Sundstrom, J. 1994:16). Yet, it is also apparent that some tribal peoples sold this precious metal, or minerals that they thought were gold, to local traders (Odell 1942:150; Curtis in Krause and Olson 1974:117). As one elderly Cheyenne told Thomas Marquis (and Limbaugh 1973:37):

Soldiers came upon our Black Hills lands after we had made peace with the whites and had settled there on our reservation given to us by the treaty. White Geese and some other Cheyennes had been finding little pieces of gold in the sands of Red Water Creek. They took them to the white man trader store and exchanged them for powder and bullets and other goods. They would not tell him where they got them. When the soldiers came, they found White Geese and his companions camped beside the creek. There was a fight, and one Cheyenne was killed. As White Geese was getting away on horseback he lost a leather bag containing gold. The soldiers picked it up. In that way all of the white people learned of gold being in that country. Before long there were hundreds and thousands of them crowding in upon our lands. The Cheyennes had to go away from there.³

There were also tales of Americans prospecting in the Hills as early as the 1830s. Few of these prospectors ever lived to tell of their experiences, but the remains of some of their ill-fated ventures were found in the Hills by later miners in the form of rusted picks, shovels, and other artifacts (Brown and Willards 1924:28-30; Palais 1941:6-7; Spring 1949:22-25; Parker, W. 1966:11-16; Sundstrom, J. 1977:12; Friggens 1983:13). After the 1850s, local tribes were rumored to have actively prevented whites from entering the region, even those who were related to them by marriage, for fear that the gold would be discovered (Palais 1941:13; Curtis in Krause and Olson 1974:150).

When J. W. Wham (1871:698), the Special Indian Agent, met with leaders from the Lakota, Cheyenne, and Arapaho nations at Fort Laramie in 1871, he recommended that their agency be moved forty miles north near Rawhide Butte Creek in order to remove them from the heavy emigrant traffic along the Overland Trail. Tribal leaders were adamantly opposed to this recommendation because of its closer proximity to the Black Hills and what was left of their bison hunting grounds (Olson 1965:124-128; Powell 1982:2:783-789; Lazarus (1991:63). Commenting on the response of the traders who were present at this meeting, Wham (1871:698) wrote:

When it became known to these that the policy of the Government was to exclude them from the reservation, and to prevent the indiscriminate traffic which had long been going on

³ This is also reported elsewhere (Powell 1982:2:923).

between them and the Indians, they objected to having an agency north of the river, and offered every inducement to the Indians to remain where they were, telling them that the object of the agent and the whites generally was to get into the Black Hills, where there was much gold, and that their country would be overrun with adventurous white men in search of the precious metal.

However, before taking steps in this direction, I made another attempt to get their (the Indians') consent to establish a permanent agency on Raw Hide Creek, some forty miles north of Fort Laramie. But this request was flatly refused, on the ground that it was in the direction of the Black Hills.

Clearly, as subsequent historical events would demonstrate, the appraisal of what would happen to the region once the presence of gold became widely known was not wrong.

4. American Expeditions in the Black Hills

The rumors of gold and the fabled stories of the early prospectors fueled schemes to send private expeditions into the Black Hills to search for the metal (Olson 1965:172; Parker, W. 1966: 19-23). As early as 1861, the Black Hills Mining and Exploration Association was incorporated by white citizens from Dakota Territory, and on numerous occasions, the military had to prevent some of its members from crossing the Missouri River and entering Sioux territory (Parker, W. 1966:19-20; Lazarus 1991:67). In 1872, these Dakotans and businessmen from neighboring states began an active campaign to pressure Congress to open the Hills for mining, logging, and settlement (Lazarus 1991:61). At the same time, some of the civilian and military members of former government-sponsored scientific expeditions to the Hills were lobbying Congress to acquire the region (Lazarus 1991:68). According to Edward Lazarus (1991: 69), while the President of the United States, Ulysses S. Grant, resisted amending the Fort Laramie Treaty of 1868 as a matter of strategy, he was not opposed to do so in principal.

In the wake of the financial depression of 1873, which caused widespread unemployment and bankruptcy in the nation, more pressure was put on the federal government to open the Black Hills as a site for development and settlement. Many of those who supported the opening of reserved tribal lands argued that Indians were impeding the progress of the nation and robbing it of the opportunity to achieve economic solvency, or else they argued, more defensively, that it should be taken over by whites because it had become a retreat for hostile Indians (Parker 1966: 124, 126-127, 138; Lazarus 1991:69). All of this served as a pretext, of course, for the federal government to authorize funds in support of another major expedition into the Hills under the leadership of General George Armstrong Custer.

a. The Black Hills Expedition

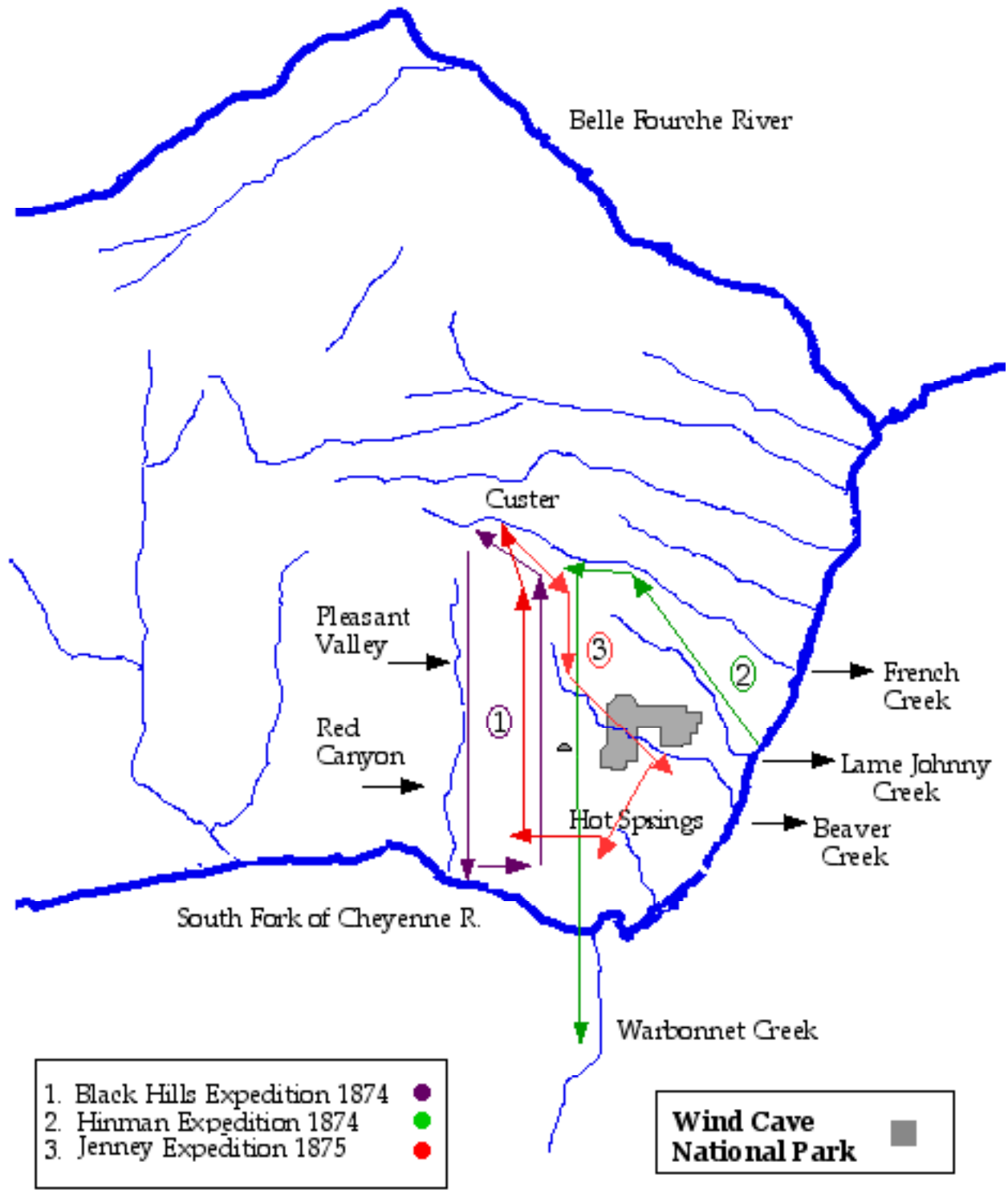
Even though the Hills were off-limits to Americans, except for the few traders who married into local tribes, they entered them illegally in the 1870s, either as representatives of government-sponsored expeditions or as private citizens. One of these illegal entries, as stipulated under Article 16 of the 1868 Fort Laramie Treaty, was a military reconnaissance expedition in the summer of 1874 under the command of General George Armstrong Custer. With ten companies of cavalry, two infantry, an assorted array of scientists, engineers, and cooks, numerous freighters in charge of a train of 110 wagons, and several Arikara, Hunkpapa, and Santee scouts and interpreters, the expedition was ordered to explore, as the Engineer Officer Colonel Ludlow put it, "the choicest and most valuable portion" of the Sioux reservation (Jackson 1966; Keenen 1967; McAndrews 1974; McLaird and Tuschen, 1974c:286-290; Krause and Olson 1974; Frost

1979). The expedition's itinerary, which the Lakotas would later call "The Trail of Thieves," reached the Black Hills through Redwater Valley north of Inyan Kara Mountain, where Ludlow (1875:15) noted on July 22, 1876 a well-marked pony and lodge trail leading up the valley. On the same day, James Calhoun recorded in his dairy that "Indian trails were visible in all directions" (in Frost 1979:49). Three days later on July 25th, the expedition traveled through the valley of Cold Spring Creek, following a popular lodgepole trail, where evidence of old camps with drying racks for hides and meats was recorded. One of the guides also reported that this was an old pack trail used by trappers (Frost 1979:53n70; Donaldson in Krause and Olson 1974:61; Curtis in Krause and Olson 1974:121; Forsyth in Krause and Olson 1974:255). Entering Castle Valley on the 26th, the expedition came across the remains of another abandoned camp, where lodgepoles had been cut and where fires were still burning (Calhoun in Krause and Olson 1974:53; Donaldson in Krause and Olson 1974:61; Powers in Krause and Olson 1974:90). Shortly thereafter, they came across the camp of One Stab, Slow Bear, and Long Bear, which consisted of five lodges and twenty-seven people, including one of Red Cloud's daughters (Ludlow 1875:16; Calhoun in Frost 1979:53-54, 59; Donaldson in Krause and Olson 1974:61; Curtis in Krause and Olson 1974:173-174; Grant in Krause and Olson 1974:250; Forsyth in Krause and Olson 1974:255-256; McAndrews 1974:81). According to Donaldson (in Krause and Olson 1974:61) and Ludlow (1875:16), this group had camped in the interior Hills for two months to hunt and to gather lodgepoles. That night most of the members of this small Lakota camp stole away in the darkness without waiting to receive the rations that Custer had promised them (Ludlow 1875:299). One Stab, however, was retained to assist the expedition as a hostage and a guide, but he was eventually released (McAndrews 1974).

As the expedition left Castle Creek, James B. Power (in Krause and Olson 1974:89), a correspondent for the *St. Paul Daily Press*, reported evidence of Indian trails everywhere and wrote: "This valley seems to have been a thoroughfare for them supposed by some to be a trail from Red Cloud's agency to the hunting grounds." From there, the expedition traveled over Reynolds Prairie where a huge pile of elk-horns was located, of which the Arikara guides disclaimed any knowledge (Grinnell 1875: 8; Ludlow 1875:17; Donaldson in Krause and Olson 1974:61; Grant in Krause and Olson 1974:250).⁴ On the 29th of July, the expedition followed an old and well-traveled Indian trail to a location near present day Custer, South Dakota, where a large base camp was established (Forsyth in Krause and Olson 1974:256); it was here that members of the expedition discovered gold on the upper reaches of French Creek (Grant in Krause and Olson 1974:251). Some of the Arikaras who served as scouts for this expedition had other stories to tell about it, including one by Alfred Morsette (in Parks 1991:385-386), who claimed the Arikaras were the ones who actually discovered the gold. It was also from this location that smaller parties were launched to explore some of the surrounding regions, including Harney Peak and the southern Hills (see Figure 13). Custer led the party that traveled south to the Cheyenne River, striking a large Indian trail that James Calhoun (in Frost 1979:61) described as "uninviting." This route followed Pleasant Valley to Red Canyon and from there to a point just east of Edgemont on the South Fork of the Cheyenne River. En route the party came across an old campground. On the return trip, the party moved north by way of Pringle and passed through Shirttail Canyon and Beaver Valley near the western border of what is now Wind Cave National Park (Ludlow 1875:19; Parker, W. 1966:25; Progulske 1974:18-34; Forsyth in Krause and Olson 1974:257; Burrows in Krause and Olson 1974:223; Frost 1979:44-45).

⁴ Stacks of antlers did have ritual meaning for the Cheyennes and Arapahos, however (Grinnell 1972:1:276).

FIGURE 13. Routes of U. S. Military Expeditions



Notwithstanding the fact that many on the Black Hills Expedition came across evidence of abandoned camps in the Black Hills, they reported that the Lakotas did not settle the area. Knappen (in Krause and Olson 1974:28) of the Bismark Tribune wrote:

...the fact that the country abounds in everything that will make a great State prosperous and wealthy, will for a moment agree with those who think that this country should still be left in the hands of the Indians, who like THE DOG IN THE MANGER will neither occupy it themselves or allow others to occupy it.

In an article from the *St. Paul Pioneer* on August 26, 1874, Aris B. Donaldson⁵ (in Krause and Olson 1974:73) remarked:

It is not certain that a single hostile Indian has been seen. Many Indians visit the Black Hills but they have no permanent villages. Not a single permanent habitation has been found. In all our long line of travel and exploration, we have not seen the slightest evidence of any attempt to cultivate the earth.

These represented a long line of arguments to justify dispossessing the Lakotas, Cheyennes, and Arapaho of the Black Hills, and they rested on a number of false premises that will be discussed momentarily.

b. The Hinman Expedition

E. L. Howard (1875:253), who accompanied a group of Lakota leaders on a trip to the Hills in 1874, was well aware of their cultural importance to the Lakotas. Indeed, Spotted Tail had recommended the Buffalo Gap as the most favorable site for an agency (Hinman 1874:93). Later in the same year, Reverend Samuel Hinman was the leader of a government-sponsored party to explore the region in order to find a suitable agency location for the Sicangus who followed Spotted Tail. In late August, precisely the season of the year when many Lakotas moved west to the Powder River and south to the Republican to hunt bison, Hinman and his party, along with their two guides, one a Sicangu named Thigh and another of mixed-Lakota descent, Tom Dorin, approached the Hills' interiors from the southeast (Ibid:91). It is worthwhile to give some attention to Hinman's report because it represents one of the first official published reports of the southeastern Black Hills and their immediate surroundings (Ibid: 90-97).

In early August, Hinman and his party explored the South Fork of the Cheyenne River near the mouth of Box Elder Creek, where he reported:

As that location had been favorably mentioned by old trappers, voyageurs, and others, we decided to deviate from our easterly course and visit it, as it was believed to be only one hundred and twenty miles from the Missouri River at Fort Sully (Hinman 1874: 91).

While traveling the valley of the Cheyenne River, Hinman's party found evidence of a recent trail made by a band moving towards the agency and another of a war party heading in the direction of the Black Hills (Ibid:91). Upon reaching Box Elder Creek, they found it had good timber, box elder and cottonwood, but it was too narrow for an agency (Ibid.).

⁵ Contrary to A.B. Donaldson's misguided comments (in Krause and Olson 1974:73) on the subject, the Cheyenne did raise crops in the shadows of the Black Hills (Grinnell 1972:1:252-254; Moore 1987: 68-70; 140-143).

After exploring the tributaries of the Cheyenne and White rivers farther east over the next few weeks, they decided to explore the country of the Buffalo Gap, approaching it from their camp on the upper reaches of the White River (Ibid:93). As Hinman (Ibid.) wrote:

From this camp we proceeded northward, to examine further the valley of this stream to its mouth and if thought expedient to look at the country about Buffalo Gate, the South Pass into the Black Hill range, a country selected by Spotted Tail as the most favorable location for an agency in the Black Hill country. We found the valley of the White Clay toward the mouth not so good as the upper part of the stream. The benches are higher, and there is very little good grass. Timber, however, is in some places quite abundant. We saw near the valley a large hill fenced in with a double hedge of thorn-bush, made by the Indians many years ago as a place to drive and entrap deer and antelope, and from the carcasses covering the prairie I should think they had great success. Further on we found pits dug by them for entrapping eagles. A few Indians have planted along this stream but their corn is entirely destroyed by grasshoppers. We encamped at Bute Caché, below the mouth of the Big White Clay, to prepare for our trip northward.

Before departing, Hinman reported that the Sicangu leaders, Spotted Tail and Two Strikes, arrived at their camp and tried to dissuade them from traveling farther north, although he does not inform us why they had been so warned (Ibid.).

Traveling across the divide between the White River and the South Fork of the Cheyenne, Hinman described the vista of the Black Hills topped by Harney Peak and the Cathedral Spires. After encamping in the valley of the South Fork of the Cheyenne, they found many trails of families and war parties moving towards Red Cloud Agency, which was located at this point in time at Fort Robinson near present-day Crawford, Nebraska. The party then ascended into the Hills by way of Burntwood Creek (now known as Lame Johnny Creek).⁶ As they approached the Race Track, described as “the great Indian trail leading around the hills,” Hinman commented on the lack of human travelers, wood, game, and water (Ibid.). Given the season Hinman’s party entered the Hills, it is not surprising that they did not sight people or animals. This was the time of the year when humans and game animals typically inhabited the surrounding grasslands. Following the sandstone escarpments inside the Hogback, Hinman (Ibid.) reported that his party traveled through narrow valleys with abundant water, springs, green grass, stands of dwarf elder-berry and plum, “strange flowers,” and pine covered hilltops. Soon they entered gorges and ravines where they passed through forests of pine, streams filled with fish, and small grassy parks and finally ended up at the headwaters of French Creek where they found the remains of the trail the Black Hills Expedition had followed a few months earlier (Ibid:94).

On their return trip, they descended to the Race Track and followed it to a point just north of the Spotted Tail Agency, which was located near Camp Sheridan in Nebraska; their route may have included portions of Wind Cave National Park. From there, they left the Hills crossing over the broken prairie lands south of the Hills (Ibid.), probably by way of Hat Creek. In concluding his report, Hinman (Ibid:94-95) said this about the Hills:

The Black hills we found to be bleak, and except for its abundant growth of hard pine, a forbidding and sterile, mountain. Green from its springs and trees, it is a cool and pleasant retreat from the burning sun and baked soil of the desert plains around it, and only a garden spot when compared to and contrasted with the bad land and utter desolation that surround it. There may, indeed, be mineral wealth there, but, if so, we believe it to be yet undiscovered, and there are no evidences, either from location or character of rock, or soil, or sand, to

⁶ Burntwood Creek is the original name of the stream now called Lame Johnny. It is found on Newton’s Atlas (1880) compiled from data collected on the Jenny Expedition in 1875.

warrant any expectation that a more diligent search would be rewarded with success. As an agricultural or grazing country, it is worthless. It is high, bleak, and cold, traversed by fearful storms in winter and spring, and in summer time almost truly said by the Indians to be inhabited by the thunder gods, ever angry at and jealous with hot displeasure of intrusion upon their sanctuary and mountain home. The cold weather is long and severe, the summers very short, and affording only time for a month or two of grazing in the parks and for the ripening of the smaller berries in the ravines. When civilization comes nearer and some railroad traverses these plains, the pine may be useful for rough lumber and for fuel; but now and for long time to come, its only use and value seem to be known to the Indians--for poles to uphold their "teepees" on the prairie, or to make *travois* for their ponies when they journey. An agency could hardly be located here, and to open the country would be a mistaken kindness to the whites and a great and uncalled-for wrong to the Indians. The country is theirs by solemn compact, and to take it from them will be wrong and robbery--an unwarrantable use of our great power to impose upon the simple and the weak.

Hinman's comments about the suitability of the Hills for an agency, of course, need to be interpreted in light of the federal government's interest in transforming the Lakotas, Cheyennes, and Arapahos into farmers. This was a future that many of these tribal peoples did not embrace so long as bison and other game were still to be found, albeit at locations a considerable distance from their government agencies on the White and Missouri Rivers.

During this period, there was nearly uniform agreement among the Lakotas, Cheyennes, and Arapahos about the value of the Hills for their own self-sufficiency (Allison 1875:188-190). There was less consensus among federal officials, however. While Samuel Hinman (1874:95) saw them as worthless for agricultural or grazing purposes, the Commissioner of Indian Affairs E. L. Smith (1875:8) wrote in his annual report that the Hills were "naturally suited to agriculture and herding," and that they were "one of all others within the boundaries of the Sioux reservation best adapted to their immediate and paramount necessities." He then went on to say:

I doubt whether any land now remaining in the possession of the General Government offers equal advantages; but it will be found impracticable to utilize the country for the Sioux. So long as gold exists in the same region, the agricultural country surrounding the gold-fields will be largely required to support the miners, and to attempt to bring the wild Sioux into proximity to the settlers and miners would be to invite provocations and bloody hostility (Smith 1875: 8).

In the final analysis, the crux of the matter was who should have the opportunity to make use of the Hills potential for their economic well-being, the Lakotas and their Cheyenne and Arapaho friends or the Americans. Clearly, as the subsequent history of the area reveals, it was the future of the Lakotas and their allies that was sacrificed.

c. The Jenney Expedition

A year after the Black Hills Expedition in the summer of 1874, another expedition was launched under a presidential order "... to provide for the question of a fair equivalent for this country..." (Smith, E. L. 1875:8). Led by two geologists, Walter P. Jenney and Henry Newton under Col. Richard Irving Dodge's military command, several journals and reports were produced from this expedition (Jenney 1875; Jenney 1876; Newton and Jenney 1980; McLaird and Turchen 1974d:404-438; Dodge in Kime 1998). The expedition covered much of the same area as Custer did, and it also sent small parties to locations in the southern Hills to test for gold along Red Cañon, Minnekata (a.k.a. Fall River), and Amphibious (a.k.a. Beaver) creeks.

Walter P. Jenney and Henry Newton do not appear to have kept a diary of the expedition, like the one written by Lt. Richard I. Dodge (in Kime 1998), but one or both of them wrote three reports; one published in the *Annual Report of the Commissioner of Indian Affairs* (Jenney 1875), another printed as a congressional report (Jenney and Newton 1876), and a third issued by the U.S. Geographical and Geological Service of the U.S. Department of Interior (Newton and Jenney 1980). Much of their writing, with accompanying maps, focused on the Hills geological, floral, and faunal resources. Of particular interest are their descriptions of Beaver Creek, which was named Amphibious Creek on their map (1880), the Red Valley, and the Hot Springs, which were called by their Lakota name, *Minnekata*. Henry Newton and Walter Jenney (1880:34) wrote that, along with Dr. McGillycuddy and Captain Tuttle, they were directed to form a party to explore the southeastern Hills, which they reached by traveling Beaver Creek and crossing a section of Wind Cave National Park.⁷ In their report (Ibid:141-142, 235), they describe the schist, slate, quartz, and the evidence of gold in the gravels on the creek's headwaters and the formations of purple limestone, red clay, and white gypsum as they pass over the Red Valley towards the Buffalo Gap (see Figure 13). Of the Red Valley, Newton and Jenney (Ibid:136) wrote: "The Indians recognizing its continuity and the regularity of its surface, have followed it with their great trails or routes of travel, and it is known to them as the "Race-course." They went on to say:

It is generally well covered with the common short grass of the Plains but it is entirely destitute of trees, save that an occasional hill may sustain a few pines. The immediate valleys of the streams and dry washes which drain across it from the interior of the Hills are narrow and frequently lined with small groves or scattered individual trees. Their principal tree is the cottonwood, but there are occasionally dwarfed and stunted oaks and thickets of willow and wild plum. As already remarked, the majority of the streams sink in the cañons of the Carboniferous, but many of them rise again in the Red Valley in unexpected places as springs or pools of water. They never, however, again become running streams (Newton and Jenney 1880: 136-137).

One of the springs he described was along the Fall River, or as Jenney and Newton (Ibid.) put it, "Minnekata or 'Hot Water' Creek, so named by the Indians from the warmth of the water."

In another report, Jenney (1875:182) would conclude that:

No evidence was found that Indians ever lived in the hills, or ever visited them, except in the spring to cut lodge-poles, or occasionally to stop and hunt deer among the foothills while passing from the agencies to the Upper Missouri. The only reason advanced for their not living in the hills is the prevalence of severe thunderstorms and the frequency with which the trees are struck by lightning.

Beyond a few general remarks, Jenney and Newton offered few details on tribal occupation in the Black Hills. Dodge had more to say about this occupation in his journals, and it is important to include the details of his commentary here. More than any other author of the time, his writings played a critical role in perpetuating the false idea that the Black Hills were not inhabited by the Lakotas, Cheyennes, and Arapahos.

Before departing to the Hills from Fort Laramie, Dodge (in Kime 1998:39) claimed that Red Cloud, Spotted Tail, and the other chiefs told him that he should expect trouble from the northern

⁷ Dodge does not mention this part of the explorations in his diary (in Kime 1998), although he does make reference to the Hot Springs area in the book (1965) he later published.

Sioux who occupied the Hills. During his tour, which took place over a four-month period from May 25 to October 13, 1875, he hardly met any Indian people, although there was much evidence of their presence. The expedition found the remains of several camps along the route of their travels west of the Black Hills near Beaver Creek in Wyoming (Ibid:54, 58, 60, 62-64, 102). On Branchwater Creek in the western Black Hills, they discovered more evidence of Indian camps (Ibid:75), and following an "Indian trail," they descended the next day into the Floral Valley and traveled to Castle Creek where they located the remains from a large camp at which lodgepoles had been processed and a medicine lodge had been built (Ibid:79). Two weeks later, while camping at French Creek, they were alerted to the presence of Indians nearby (Ibid:96).

In late August, Dodge (Ibid:191-192) reported that while starting down Red Water Creek, Walter Jenney, the geologist on the expedition, found so many signs of an Indian presence that he decided to return to the main party. And in September, he described a number of Indian trails in the vicinity of Spearfish Creek and Rapid Creek (Ibid:214, 222, 224). On the 18th of July, Dodge encountered two Indian people south of Harney Peak who, along with some men of mixed Indian ancestry, were watching whites pan for gold. He never spoke with them, however. In another instance, a guide with the expedition, California Joe, purportedly told Dodge that he had met an Indian named Robe Raiser on Rapid Creek. As he wrote in a draft of a letter addressed to General Crook,

The old Indian told Joe that though fifty years old he had never been in the Black Hills before. He said that the Indians never come here, except occasionally to hunt, that when passing north or south in the fall the squaws come in for a few days to cut & trim lodgepoles. During this time the 'bucks' hunt. The reasons given for the Indians not coming here, are, 1 that there is nothing to come for, there being but little game - 3 that it rains very frequently & the Indians dont like the rain - 4 That it thunders & lightens with terrible force, striking & overthrowing trees, & setting fire to the woods - the Indians don't like this - 2 that the flies are terribly bad, & torment their horses so they dare not turn them loose -- The old Indian said further that the Indians did not care at all for this country, & would have sold or given it to the white long ago, if it had not been for the 'squaw men' about the Reservation, urging them to make a big fuss & get a big Price, C. (Ibid:139).

This account is located at the end of his third journal, which stops at an entry for July 20th and was probably written sometime between that date and the 29th of June when this journal begins.

Much of what is written here eventually appeared in the book Dodge (1965) himself published on the Black Hills. Other than the fact that it came to Dodge secondhand, there are many aspects of this narrative that don't ring true. For one, the idea that local Indians believed the region had little game was contrary to most everything else that was being written about local tribal understandings of the Black Hills in this and earlier decades, and it also doesn't correspond with some contemporaneous observations which called attention to the region's rich game resources (Brennan 1875:3; Tallent 1899:37; Knappen in Krause and Olson 1974:28; Donaldson in Krause and Olson 1974:63, 69; Powers in Krause and Olson 1974:89; Curtis in Krause and Olson 1974:149; Burrows in Krause and Olson 1974:192). It even contradicts Dodge's own words, which he wrote in his journal on June 20th when the expedition was camped on Spring Creek about 10 miles west of Harney Peak:

In ten years the Black Hills will be the home of a numerous and thriving population & all the Administrations & Interior Departments can't stop it. It is not an Indian country. They can live in it for only a small portion of the year and being Plains Indians they do not like to go into a country where they cannot ride everywhere they wish to go. They use it as a nursery for game & a fine one it is. (in Kime 1998: 12).

Six days earlier, the expedition encountered a small party of miners near present day Custer, South Dakota, and this prompted Dodge (in Kime 1998:89) to write that the “Indians do not use it”, and at the end of the second journal, there is another letter to General Crook which reads:

The absurdity of turning over such a country [the Black Hills] to miserable nomads is too manifest for discussion - Besides the Indians dont want it. They never use it. There is not a trail of Indians in the whole interior of the Black Hills, except in the vicinity of the head of Spaulding Creek, where a few come in apparently for a week or two each fall to pick berries and cut lodgepoles. This portion of the country has not an Indian trail, and Custer was never more right than when he said they held on to it from a dog-in-the manger spirit. My own opinion is that they do not hold on to it of their own accord (except from the natural indisposition by interested agents who hope to have the manipulation of the millions of dollars which the Govt may pay for the land if the Indians only make row enough)...The country is too glorious a one to be kept from development & while I will obey orders & arrest these men if necessary, I shall never injure one in person or property. None but a ring ridden nation would ever think for one moment of leaving such a paradise in the hands of miserable savages even did they use it, which is not the case (Ibid:105-106).

While he traveled the Black Hills in the summer of 1875, Dodge was well aware that the expedition had been ordered to appraise the value of the region and that a government commission had been sent to Fort Laramie to negotiate with the Lakotas, Cheyennes, and Arapahos for their lease and/or sale. It is quite obvious where his sentiments lay on this matter from what he wrote in his journal. There can be no doubt that these influenced how he came to interpret the evidence of the Indian occupation he sighted or heard about during the three months he traveled the region.

When Dodge’s book *The Black Hills* (1965) was first published in 1876, it contained much of the same commentary found in his journals. He wrote as an example:

My opinion is that the Black Hills have never been a permanent home for any Indians. Even now small parties go a little way into the Hills to cut spruce lodge-poles, but all the signs indicate that these are mere sojourns of the most temporary character...(Dodge 1965:136-137).

...Except in one single spot, near the head of Castle Creek, I saw nowhere any evidence whatever of a lodge having been set up, while old wickyups were not infrequent in the edge of the Hills. There is not one single teepee or lodge-pole trail, from side to side of the Hills, in any direction...(Ibid:137)

Several small parties of Indians, overcome by curiosity, and reassured by the presence of the “soldiers,” came into the Hills this summer...(Ibid:137).

He then makes reference to and embellishes his journal notes on California Joe’s conversation with Robe Raiser (Dodge 1965:137-138), and goes on to write that:

These statements are borne out by those of every Indian communicated with, and by the observation of every man of our party. The Indians do not live in, occupy, or use the country in any way (except for lodge-poles as stated); they do not want it; the large majority would willingly give it to the whites, but for the exertions and influence of as rascally a set of white men as curse the earth.

It should be noted that California Joe, a.k.a. Moses Milner, who was a notorious figure in the early history of the Black Hills, was not regarded as a person of particular integrity and honesty

(Brennan 1875:2; Parker, W. 1966:64). It is also important to call attention to the fact that other than one encounter on Spring Creek and a meeting at Custer on the 9th of August with E. L. Howard, an Indian agent who accompanied a party of Lakota leaders to see the gold prospecting in the Hills, there is no evidence from Dodge's journals that he nor any other member of the expedition, excepting California Joe, had any extended conversations with Lakotas. Not only was the source of his information about Lakota use of the Hills unreliable, but it was also clouded by his own biases regarding the future disposition of the Hills. Nevertheless, his remarks about the lack of a Lakota presence in the Hills have persisted, often uncritically, in later works about the region.

It is hard to reconcile the claims of people like Richard I. Dodge and Walter Jenney, who, echoing the words of members of the 1874 Black Hills Expedition, asserted that local Indians did not live in, much less use, the Hills. Obviously, the Arikaras and Lakotas who led some of the government expeditions into the Hills from the 1850s to the 1870s had considerable prior knowledge and experience in the region. All of these parties either sighted Lakota camps in the Hills or in their proximity, and many observed evidence of their recent travels and occupations there as well. That these expeditionary parties only came across a few actual camps, or the recent remains of them, had everything to do with their own presence in the area. As Henry Standing Bear (in DeMallie 1984:158) later recalled, his band avoided the Hills during much of the summer of 1874 because of the military presence there. Susan Bettelyoun and Josephine Waggoner (1988:108) also described some strategies Lakota bands followed in these years to elude detection when traveling near military troops.

Another factor was the season in which military expeditions entered the Hills. According to the ethnographer Royal B. Hassrick (1964:156), the highest use and occupancy of the Hills typically took place when Lakota bands wintered there from November to April, and then again in late spring when they used them to procure lodgepoles, berries, medicinal plants, and flint. By mid-summer, the time when some of these expeditions arrived in the Hills, most Lakotas and Cheyennes would have set out for their bison-hunting grounds now located far to the north and west on the Powder, Tongue, and Yellowstone rivers. Indeed, Black Elk (in DeMallie 1984:154-158, 164-165) recalls that in May of 1874, two months before Custer arrived in the area, his family encamped at several locations on the eastern side of the Hills, and in the fall of 1875, after Dodge's party had left the Hills, his family camped on the western side en route to Crazy Horse's winter camp on the Tongue River.

Also, the mid-1870s was not a time to judge how the Black Hills had been used traditionally, since many Lakotas, Cheyennes, and Arapahos were now receiving government rations and staying at federal agencies some distance from the Hills. Moreover, the area had become a war zone where Lakotas and their allies were known to raid mining camps, emigrant wagons, and freighting trains taking cargo into and out of the Hills. After 1874, this was no longer a place where these tribes could safely camp in small groups with their elders and children as was their custom in the late spring and early summer. In fact, E. L. Howard (1875:254), the Indian Agent at Spotted Tail Agency, noted in his annual report to E.S. Smith, Commissioner of Indian Affairs, the following:

A lesser number of Northern Indians have visited this agency than during the previous year, and more of ours have remained near the agency than formerly, for the reasons that they did not go south to the hunting grounds this season, and the excitement about the Black Hills has kept them together.

For this and the other reasons, already mentioned, the Black Hills were not utilized by many local bands during the times they were being explored by the civilian and military forces of the U.S. government.

It also needs to be mentioned that most of these early observers held a basic misunderstanding of tribal adaptations to the region. As described in greater detail in Chapters Seven and Ten, these involved transhumance patterns of movement and settlement, often covering several hundred miles of territory during the course of a single year. While it is true that none of the local bands established permanent year-round settlements at any sites in the Black Hills region, they certainly occupied and used a wide range of locations in the area on a regular and recurring basis, especially during the months of winter and early summer. Indeed, few of the populations who lived around the Black Hills maintained permanent, fixed settlements anywhere in their territories. These groups were mobile: they followed the movements of the game and the growing cycles of plants and changed their locations accordingly. Even when some early observers conceded that tribes used the region as a hunting reserve, they dismissed this activity as a form of “summer sport” (Curtis in Krause and Olson 1974: 136). This was an old rationale that European Americans commonly used in dispossessing American Indian people of their lands.⁸

5. The Gold Rush and American Settlement

After news of the Black Hills Expedition’s gold discoveries was leaked to the press, the private American companies formed to colonize the Hills believed the time was now auspicious to launch their own expeditions (Olson 1965:172; Parker, W. 1966:28-30). One of these was formed by Charles Collins, a newspaper editor in Sioux City, Iowa, who had schemed to enter the Hills as early as 1869 (Tallent 1899:6-8). His first expedition was organized in the summer of 1874 and led by John Gordon. Annie Tallent, who accompanied this expedition and was presumably the first white woman to enter the Hills, wrote about it in her book, *The Black Hills or The Last Hunting Grounds of the Dakotahs* (1899). According to her narrative, the expedition left Sioux City, Iowa on October 6, 1874 (Tallent 1899:21-22) and arrived on December 3, 1874 at the Cheyenne River near Elk Creek where they encountered a band of Cheyennes moving to their winter campgrounds (Ibid:53-56). They reached the foot of the Hills near Sturgis on December 9th and set camp at Box Elder Creek (Ibid:56). From there, they entered the Hills and arrived on December 23 at French Creek where they built their fort and seven log cabins (Ibid:61, 66-71). In February of 1875, two members of the party set out in a southeasterly direction to reach the Niobrara River and follow it to Yankton to get supplies and send news of their arrival in the Black Hills to Sioux City (Ibid:76-77). Word of the party’s presence in the Hills was soon published in the newspaper, and, according to Tallent, this prompted the government to be more watchful of whites entering the area. Two weeks later, when two other men left the stockade for Fort Laramie to get supplies, they were intercepted by the military. In April, the military arrived at the stockade and escorted the Gordon party out of the Hills by way of Red Canyon, where Tallent reports they met a small band of Indians whose tribal identity she fails to specify (Ibid:81-85).

Efforts on the part of the military to warn the intruders against trespassing and to remove them from the Hills whenever they were located, as happened to the Gordon party (Tallent 1899: 96-100, 134-136), were largely unsuccessful (Tallent 1899:160-181; Parker, W. 1966:65-67; Lazarus 1991:77-78; Price, C. 1996:155). Well-armed gold prospectors continued to make their

⁸ Historically, it was common to justify dispossessing American Indians of their lands on the grounds that they did not use them properly. American Indian men’s hunting, fishing, and warfare activities were frequently represented as “sport” rather than as a form of work or labor worthy of any entitlement to a land base (Albers 1996b:261).

way into the Hills in 1875, and from the fall of that year to the spring of 1876, the big gold rush was on (Tallent 1899:115-129; Spring 1949:71-72). By the summer of 1876, more than 1000 miners had staked claims in the Hills (Tallent 1899:172-181, 264; Parker, W. 1966:53-68). Some of the early miners were novices from the East, looking to the Hills for a new start in life, but others were seasoned prospectors who came from the gold fields of California, Colorado, and Montana with renewed hopes of reaping riches (Sundstrom, J. 1977:116)

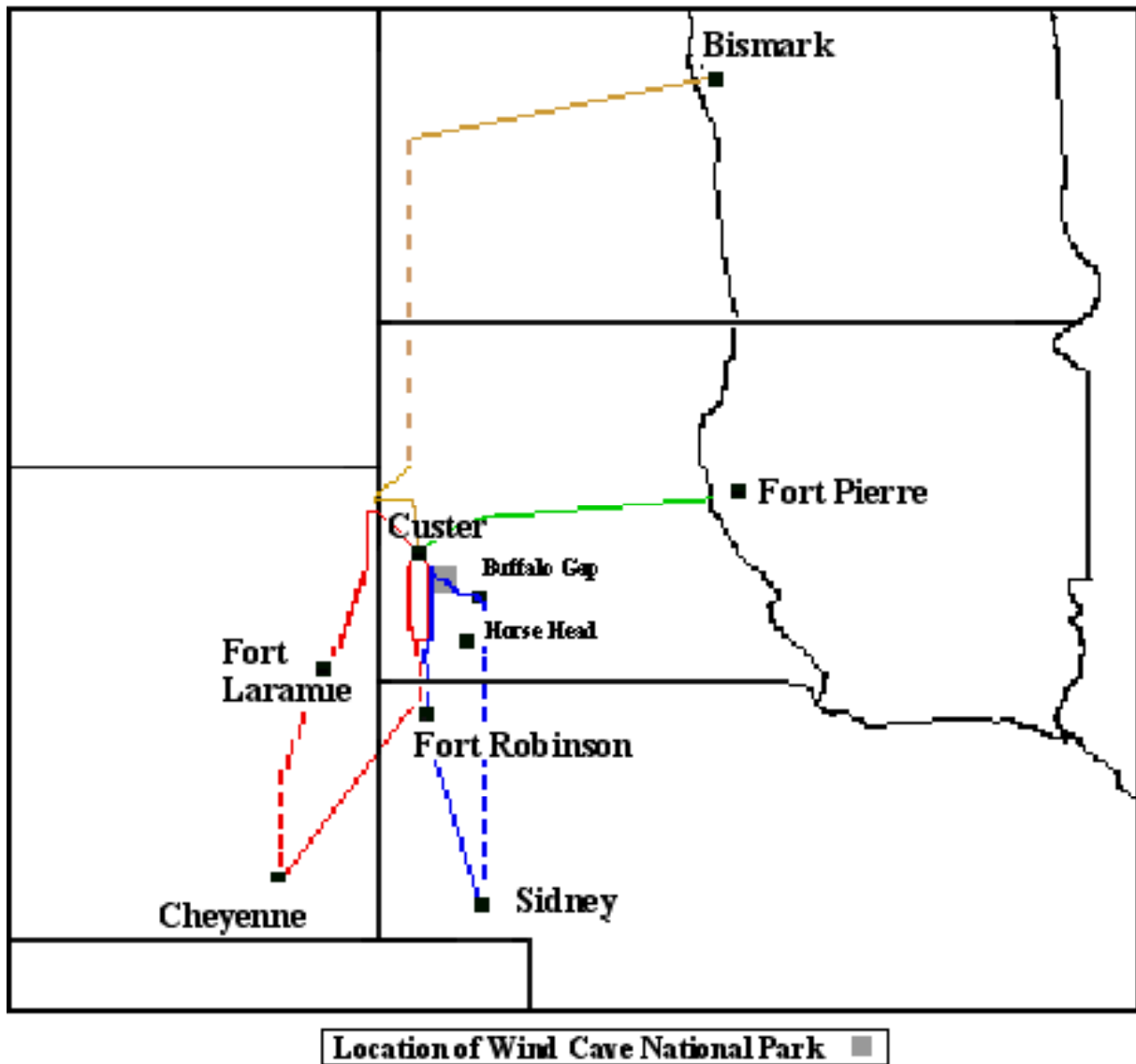
To provision the miners and the various businesses that supported them, roads were built and regular freighting operations brought in supplies from Bismark and Fort Pierre in Dakota Territory, Sidney in Nebraska Territory, and Cheyenne in Wyoming Territory (Tallent 1899:181-182; Spring 1949:69-70, 171-181; Palais 1950; Parker, W. 1966:108-113; Stewart 1967-70:70). Indeed, on December 1, 1875, the territorial legislature of Wyoming passed into law an act to establish a wagon road from Cheyenne to the Black Hills of South Dakota (Spring 1949:75). Stage lines and private mail services were established too and followed many of the same trails (Tallent 1899:189-198; Spring 1949:82-95;122-124; Parker, W. 1966:106-107, 111-122). Two of the most popular early routes traversed the southern Black Hills (see Figure 14). The one from Sidney to Custer took a route that entered the Black Hills at the Buffalo Gap, followed Beaver Creek, crossed the Race Track, climbed into the interior Hills near Wind Cave, and then went northward from Pringle to Custer City (Tallent 1899:647). Another popular route from Cheyenne, Wyoming entered the Hills at Red Canyon and traveled due north through Pleasant Valley (Spring 1949:81-82, 185) or through the area of Pringle near where the park's water supply is located. Both of these trails and significant locations along their routes were recorded on a map made by Crazy Mule, a Cheyenne scout who surrendered at Fort Keogh with Two Moon's band, sometime around 1880 (Fredlund, Sundstrom, and Armstrong 1996:7, 17-21; Sundstrom and Fredlund 1999:46-57).

By 1876, relay stations and stage houses were built to feed and shelter travelers at many different locations along these routes (Spring 1949:124-125; Biever 1982:4; Long 1992:59). Many of them were established at sites that had been popular camping places for local tribes. Even before such accommodations were built, wagon trains and travelers on horseback often selected the same locations as rest stops. The Buffalo Gap was one of the best known of these. One early settler account tells of a summer thunderstorm and flash flood at the Buffalo Gap that killed over sixteen people who camped too close to Beaver Creek (Fall River County Historical Society 1976:197). An early merchant of Custer, S.W. Booth (quoted from Sundstrom, J. 1994: 28), wrote in his 1876 correspondence to the *Times* of Oshkosh, Wisconsin:

Tuesday, April 18th, we took dinner at Horse Head creek, and camped at night on the Cheyenne River. There were unmistakable signs of Indians; signal fires burning on the hilltops and our outriders found fresh trails on both sides of us. The pony express rider camped with us. He reported two trains captured between here and Custer. We all stood to our guns all night. The Indians came as near as they dared, but found us prepared and left. The next night we camped at Buffalo Gap where half a dozen battles have already been fought...

After spending the night at the Buffalo Gap, the party entered the Hills by a route that followed Beaver Creek, crossing Wind Cave National Park, and as the party ascended into the mountains, they came upon the remains of a wagon that had been captured by Indians (Sundstrom, J. 1994: 28). According to Jessie Sundstrom (Ibid:28-29), these wagons were from a sawmill outfit whose members engaged in a heated battle with unidentified Indian assailants near the Rifle Pit, south of

FIGURE 14. Early Emigrant Trails to Black Hills, 1874-1876



Pringle. The command of General Crook also used this trail, passing through the Buffalo Gap on their way to Fort Robinson in 1876 (Bourke 1892:387). A year later in 1877, Edwin Curley (1973: 85) described this route as follows:

Still further on the road leaves the cañon [Buffalo Gap] and goes up and down over the steep hill-sides of an exceedingly rugged prairie country, which I judge to be eminently suited for the maneuvers of Indians. After some miles of this difficult travel, we emerged upon a nearly level, elevated plain in "The Red Beds," whose dark-red earth and stone is relieved by dark-green patches of dwarf cedar or mountain juniper, while the bottom has the light emerald green of luxuriant grass, the whole giving a very peculiar and a pleasing, although somber appearance.

After 1875, the popular camping area at the Buffalo Gap and the well-traveled “Indian” trail into the higher elevation interiors along Beaver Creek turned into a war zone. Lakota warriors guarded this important gateway and trail to the Hills and attacked whites who followed it. The fact that early expeditionary parties did not see many Lakotas, Cheyennes, or Arapahos in the Hills at this time means that they were either off the well-trodden paths into the Hills or outside the area entirely because of the dangers posed by the presence of the military and other heavily armed white trespassers. After the gold rush had subsided near Custer and shifted to the more northerly districts in the Hills, many of the major wagon and stage routes no longer crossed the Hills’ southern interiors. Instead, they skirted the edges of the Hills and by-passed the “discovery town” of Custer (Spring 1949:203).⁹

By 1876, a wide variety of commercial establishments had been built in the white settlements popping up in the Black Hills, especially around Custer, Hill City, Deadwood, and Rapid City. Bars and hotels were erected (Tallent 1899:183-184, 348; Parker, W. 1966:87; Sundstrom, J. 1994: 25, 29). Banks were open (Tallent 1899:274). Hardware stores, meat shops, saddleries, and dry good stores were in operation (Tallent 1899:349-350). Newspapers were in press (Tallent 1899:269-270; Parker, W. 1966:97), and telegraph lines were laid (Tallent 1899:378; Spring 1949:158-160). Towns were being platted (Tallent 1899:264, 287, 304), and even federal taxes were assessed (Tallent 1899:359). Indeed, one early prospector, John R. Brennan (1875:1), who arrived at Custer in November of 1875, claimed that federal troops under General George Crook assisted in surveying and laying out plots for this town, although Jessie Sundstrom (1994:23) clarifies this and writes that it was a ploy to get the miners to vacate French Creek. The fact that seven miners were given permission to remain behind to protect the claims indicates that the removal was viewed as a temporary state of affairs and that the military had no intention of respecting or enforcing the law of the 1868 Fort Laramie Treaty.

In 1875, the military had largely abandoned its efforts to keep prospectors and settlers out of the Black Hills, and even before this, they never prosecuted any of the trespassers (Spring 1949: 67-71; Parker, W. 1966:66-68; Powell 1982:2:929). We now know from recently discovered correspondence that the military had no intention of arresting the miners. In the U.S. military files at the National Archives, an historian working for the legal counsel¹⁰ in the Sioux’s Black Hills claims uncovered the proverbial “smoking gun,” a series of letters that indisputably prove that the President of the United States gave covert approval to miners trespassing in the Hills. In one letter labeled “Confidential” and dated the 9th of November 1875, General Philip H. Sheridan wrote the following to General Alfred H. Terry:

My dear Gen. Terry: At a meeting which occurred in Washington on the 3rd of November, at which were present the President of the United States, Secretary of the Interior, the Secretary of War and myself, the President decided that while the orders heretofore issued forbidding the occupation of the Black Hills country by miners, should not be rescinded, still no further resistance by the military should be made to the miners going in; it being his belief that such resistance only increased their desire and complicated the troubles. Will you therefore quietly

⁹ Although Barbara Long (1992: 6) argues that the Sidney route never crossed Wind Cave National Park but skirted the Hills along its eastern edge, our research indicates that this is not exactly correct. The Sidney route to Rapid City did not enter the Hills and cross over park properties, but one of the arms or spurs of this route certainly did, as Long (1992: 59) points out in a footnote. This shortcut to Custer was very important during the early years of the gold rush from 1874 to 1876, but it fell into disuse after the gold boom crashed in Custer and the most important mining developments took place around Deadwood.

¹⁰ Fred Nickelson, an historian at the University of Maryland, was the one who uncovered the three letters in which covert decisions were made to cease the arrest of miners (Lazarus 1991:343).

cause the troops in your Department to assume such attitudes as will meet the views of the President in this respect (*quoted from Wilkins 1997: 219*).

Contrary to other opinions on the matter, it is now quite clear that the military had been authorized by the highest levels of the federal government to refrain from interfering with the miners' illegal occupation of the Hills.

In the face of these developments, the Lakotas and their Cheyenne and Arapaho allies stepped up their raiding activity against the Americans. According to some of the early miners and settlers who wrote down their recollections of the early years of white settlement, Lakota and Cheyenne harassments and raids were frequent in the Hills between 1874 and 1876.¹¹ Places such as the Buffalo Gap in the southern Black Hills were considered especially dangerous (Tallent 1899:241-242, 292; Hughes, R. 1957:25-26; 53, 59-62; Curley 1973:85; Eastern Custer County Historical Society 1967-70:456; Sundstrom, J. 1977:28). Red Canyon was another southern gateway where raids were frequent (Tallent 1899:243, 292-295; Brown and Willards 1924:74-75, 84-85, Spring 1949: 132, 135, 148; Hughes, R. 1957: 53; Parker, W. 1966: 133; Curley 1973: 45-46; McClintock 2000:58-60). Wagons and stages were attacked, horses and cattle driven off. Even large teams of freighters were not immune from assault. So commonplace were the raids that the miners welcomed the presence of General George Crook and his troops in the Hills during the fall of 1876 (Hughes, R. 1957:185-186). All of this indicates that the Lakotas and their allies were not passive when their beloved Hills were being invaded.¹² Against the vacuum of military inaction, the Lakotas engaged their own war against the miners from 1875-1876. Even though the Battle of Little Big Horn has occupied center stage in historical recountings of this period, an equally significant but less well-known battleground was the Black Hills including the region of Wind Cave National Park.

It is also clear that the white intruders were not passive either. Vigilante and militia groups were formed throughout the Hills to protect the miners and their settlements, even with the blessing of the U.S. cavalry under General George Crook (Parker, W. 1966:132-133, 137). Military detachments were called out to defend the roads into the Hills from Indian attacks (Spring 1949: 139-140), and professional "hunters" were hired to kill Indians (de Mandat-Grancey 1984:135). Bounties were even offered from fifty to as much as three hundred dollars a head for Indians. Indian heads were pickled and displayed in local bars (Parker, W. 1966:162; McClintock 2000:109, 122). Although many of the reports of Indian headhunting are clearly sensationalized, it does appear that such practices were not only going on but being sanctioned as well in the climate of racial hatred towards Indians that prevailed in the Hills during this period (Williams, R. 1993).

There is also no question, however, that many of the raids and murders attributed to Indians were the work of white thieves and bandits, popularly known as "highway men." The famous massacre of the Metz party in Red Canyon, for example, was probably an atrocity committed by a gang of white men led by "Persimmons Bill," although some still claim that Indians were among the collaborators (Spring 1949:136-139; Parker, W. 1966:135-136; McClintock 2000:58-60).

¹¹ See, for example: Goulette n.d:7; Brennan 1875:7; Tallent 1899:145-146, 237-238, 244, 245-247, 290-299, 307-308, 368-369, 370-373; Brown and Willards 1924:62-63, 69, 77-79, 88, 91, 96-100, 103, 105, 106, 111, 113-115; Hughes, R. 1957:140-141, 152; Spring 1949:144-145, 150, 157, 169; Olson 1965:200; Parker, W. 1966:98-99, 133-136; Curley 1973:34-35; Sundstrom, J. 1977:287, 1994: 28-29; Curl 1984:22-23; de Mandat-Grancey 1984:135, 284-285; Arnold in Crawford and Waggoner 1999:238-239; McClintock 2000: 58-62, 83-88, 135-137, 178-179).

¹² Black Elk (DeMallie 1984:170) and White Bull (in Vestal 1934:183-184, 206-210) offer Lakota perspectives on these raids, while Father Peter Powell (1982:2:927-928) describes some of the Cheyenne involvement in the attacks.

6. The Seizure of the Black Hills

Meanwhile, tensions between the federal government and the Lakotas, Cheyennes and Arapahos were escalating over the Black Hills and other issues surrounding the 1868 Fort Laramie Treaty. In the mid-1870s, government agents used Lakota middlemen to convince the non-treaty populations to permanently settle at their agencies on the Missouri and White River and to accept the treaty's provisions. Many people from the non-treaty bands encamped at these agencies with kin who were members of bands whose leaders had signed the treaty, and they drew on their relatives' food rations. Still, they refused to sign the treaty. This created internal dissensions within Lakota ranks, especially between some of the younger men and their tribal elders. There were also fights over government attempts at census taking and over its efforts to move the Lakotas to agencies on the Missouri. Tensions flared over the shortage and quality of the food being distributed. The government's refusal to release ammunition and its ban on hunting along the Republican Fork added more fuel to the antagonistic mood of some of the young men at the agencies. In the face of all of this, federal officials threatened to cut off rations and remove the Lakotas to a reservation in Oklahoma if they did not comply with government orders (Olson 1965:171-198; Hannah 1993; Price, C. 1996:102-148). Tensions were also mounting among the Cheyennes and Arapahos who lived among the Lakotas and took their annuities at agencies on the Great Sioux Reservation (Powell 1982:2:921-923; Fowler 1982:52-56).

The movement of large expeditionary forces into the Hills and the growing presence of the miners and other settlers infuriated the Lakotas and their allies (Powell 1982:2:921-929, 933; Price, C. 1996:133-134). Iron Teeth, an elderly Cheyenne woman, shared her recollections of this with Thomas Marquis (and Limbaugh 1973:16-17) in 1928:

A few years after that, peace was made between the whites and the Cheyennes and Sioux. Our tribes were to have a permanent home in our favorite Black Hills country. We were promised that all white people would be kept away from there. But after we had been there a few years, General Custer and his soldiers came there and found gold. Many white people crowded in, wanting to get the gold. Our young men wanted to fight these whites, but there were too many of them coming. Soldiers came and told us we would have to move to another part of the country and let the white people have this land where was the gold. This action of the soldiers made bad hearts in many of the Cheyennes and Sioux. They said it would be no use to settle on any new lands, because the white people would come there also and drive us out. The most angered ones went to the old hunting grounds lying between the Powder and Bighorn Rivers.

My husband and I took our family to the Red Cloud Agency, known to us as the White River Agency, where all the Cheyennes had been told to go. He was in bad humor because of our having been driven from our Black Hills home country, but he thought it was best to do whatever the white people ordered us to do.

In response to their rising complaints, J. S. Collins told tribal leaders assembled at the newly established Red Cloud Agency that the President of the United States was powerless to stop the miners from entering the Hills and that their best course of action was to cede the land (Olson 1965:177; Price, C. 1996:141-142). Indeed, while Jenney, Newton, and Dodge were in the Hills exploring its mineral potential, the government had already sent a commission to negotiate the cession of the Black Hills (Olson 1965:202-206; Price, C. 1996:149). The chair of the commission, William Allison, was instructed to honor the 1868 Fort Laramie Treaty in reference to Article 12, which required the consent and signatures of three-quarters of the adult male population. According to the commission's own published proceedings and other documents that

recorded what happened, the government's initial request involved an offer to lease the Hills for mineral extraction only (Olson 1965:206-207).

During the course of the deliberations, which began on September 4, 1875, considerable confusion surrounded the meeting and the terms being negotiated. The commission initially proposed to lease the Hills which, according to Lazarus (1991:81), was a ploy to bypass Article 12 of the 1868 Treaty, requiring three-quarters of the adult male population to sign any agreement leading to the cession of land. The concept of a "lease" was not clear to many of the Sioux leaders who were present at the negotiations, and those who understood it, including Spotted Tail, considered the notion unsound (Ibid.).

When the negotiations were reconvened on the 23rd of September, after an extended adjournment, the Sioux delivered their positions on the matter. The Lakotas and their allies were divided on how to respond to the government's request, however. Those who considered the possibility of negotiating a monetary settlement not only demanded a large sum of money, enough to provision their peoples over many generations, but they also placed restrictions on what areas of land they were willing to negotiate -- namely, the interior regions inside the Race Track (Allison 1875: 88-190; Olson 1965:207-213; Hyde 1961:206-214; Powell 1982:2:931; Price, C. 1996: 150; Arnold in Crawford and Waggoner 1999:209-214). According to Price (1996:151), the commission was astounded by the demands of the Lakotas, and while they expected a lengthy discussion and debate over the matter, they weren't prepared to haggle over the price of the lease. Although the commission extended an offer of \$100,000 per year for mineral rights to the Hills, and \$6,000,000, if the Lakotas agreed to sell it outright, the proceedings fell apart when many of the leaders suddenly left the negotiations in anger and disgust over the willingness of some of their relatives to put a price on the Hills (Ibid:151). Those who opposed the sale held the position that the Hills were not negotiable, and as Crazy Horse is purported to have said, "One does not sell the land the people walk on" (*quoted in Lazarus 1991:81*).

The Cheyennes, according to Father Peter Powell (1982:1:930-936), were similarly divided in their opinion. Most of those who followed Box Elder and Little Wolf held the position that it was unthinkable to sell the Hills, especially the locations that held their most revered and sacred sites. They would never have agreed to the sale of the Race Track and their sacred mountain, Bear Butte, under any terms. Many of these Cheyennes inhabited areas north of the Hills in close association with Lakota bands under the leadership of Crazy Horse and Sitting Bull, who were also opposed to any sale of the Hills. Even though these allied bands of Lakota and Cheyenne faced extreme hardship during the harsh winters of the early 1870s, they were still able to maintain their independence and follow a way of life wedded to the movements of a declining, but still extant, bison population. Like the Lakotas, the Cheyennes who were willing to negotiate over the Black Hills had become increasingly dependent on the agency system once bison were extirpated from their aboriginal territories. Most of the populations who wintered at the edge of the southern Hills or at the agencies along the White River continued to hunt elk, deer, and antelope in the region, but much of this hunting supplemented and complemented a diet based on food rations distributed at the tribal agencies. By 1875, many of the Lakotas, Cheyennes, and Arapahos were "no longer in a position to completely refuse the government," as Edward Lazarus (1991:82) put it. Their leaders clearly recognized the value of the Hills and attempted to use it as leverage to ensure the livelihood and survival of their peoples in perpetuity.

Judging by the speeches of Lakota, Cheyenne, and Arapaho leaders who spoke before the Allison Commission (Allison 1875:188-190), there was uniform agreement among them in the value of the Black Hills to the continued well-being and livelihood of their peoples. Some, like Stabber (in Allison 1875:189), believed that the Hills would support the Lakotas for "seven gene-

rations to come.” Spotted Bear (Ibid:188), said: “Our Great Father has a big safe and so have we. This hill is our safe. That is the reason we can’t come to a conclusion very quick.” Another Lakota, Fast Bear (Ibid:189), remarked that the Black Hills were not a “small thing” but very “valuable.” While Red Cloud was willing to relinquish areas above the pines in return for fair compensation, he was not ready to give up the lands that stretched between the agency and the Race Track, the area with the richest reserves of game (Ibid:188) (see Chapters Seven and Nine for more detailed discussions on this).

Many Lakotas and Cheyennes did not appear at Red Cloud for the negotiations and remained in the Powder, Tongue, and Yellowstone areas. Even the bands settled at the northern agencies on the Grand and Cheyenne rivers were reluctant to come. According to John Bourke (1875: 246), the Indian Agent at Standing Rock:

The expedition to the Black Hills by the military, and subsequent invasion of that country by parties in search of the precious metals, caused much dissatisfaction and bad feeling among the Indians. They emphatically expressed their belief that the Government was trifling with their rights in permitting the treaty to be violated, and asked the pertinent question, ‘How can the Great Father expect us to observe our obligations under treaty stipulations when he permits his white children to break it by coming into our country to remain without our consent?’ The lawless invasion of the Black Hills by white men, in violation of the intercourse laws of the United States and treaty stipulations with Indians, and the apparent tardiness or inability of the Government in removing them, caused great distrust and lack of confidence among the Indians towards all white men and the white man’s Government. When asked to go to the grand council at Red Cloud to participate in treating for the sale of the Black Hills, they very intelligently reviewed the whole condition of affairs, and finally refused to go, saying it was no use in making treaties when the Great Father would either let white men break them or had not the power to prevent them from doing so. Notwithstanding that these Indians promised the commissioners who visited them here in August last that they would attend, yet when the time arrived for their departure they refused to go, assigning as the cause the reasons stated. I finally succeeded, however, in prevailing upon all of the principal chiefs and headmen, with a number of their head soldiers, to go. They are now in attendance at the council, participating in the deliberations, and favoring a sale of the Black Hills as a measure calculated to promote their best interests.

While it is clear from this and other reports of the time that some of the leaders representing the Lakotas, Cheyennes, and Arapahos were resigned to the fact that they had little power to avert the government’s seizure of the Black Hills, there still was not enough consensus at the meeting to get three-quarters of the adult male population to sign the agreement.

Lacking enough signatures, the commission abandoned further deliberations and the estimated 20,000 Lakotas, Cheyennes, and Arapahos in attendance at the negotiations went away angry, confused, and uncertain about the future of the Black Hills (Price, C. 1996:152). After breaking camp, many returned to their respective agencies, but some in the younger generation moved to winter camping grounds at locations near their bison hunting grounds along the Tongue and Yellowstone rivers (Olson 1965:215-217; Price, C. 1996:152-153). Alarmed by this movement, the military issued orders in December for all Lakotas, Cheyennes, and Arapahos to return to their respective agencies and warned them that if they failed to appear they would be considered hostile and subject to military arrest. This was an unusually severe winter. Some of the messenger bands that tried to reach the followers of Crazy Horse and other “warrior” groups were forced to spend the winter in the Black Hills because the blizzards made travel impossible (Bettelyoun and Waggoner 1988:107). Although some of the Lakotas, Cheyennes, and Arapahos returned in compliance with the order, others refused to come in or were unable to obey it because of the inclement weather (Mekeel 1943:190; Powell 1982:2:934; Price, C. 1996:153;

Arnold in Crawford and Wagonner 1999:239-240). In spite of these conditions, the military engaged its forces in a massive mobilization that culminated in the Battle of Little Bighorn in June of 1876. The rest, as they say, is history: the American army was defeated at the Battle of Little Big Horn against an allied force of Lakotas, Cheyennes, and Arapahos. Within a few weeks of the defeat, Congress issued a directive ordering federal agents to withhold rations until the Lakotas relinquished the Black Hills country (Price, C. 1996:155).

With the death of General George Armstrong Custer and his battalion at the hands of the combined forces of Arapahos, Cheyennes, and Lakotas (and Dakotas) encamped along the Rosebud and Little Bighorn rivers in Montana, the United States government abandoned any pretense of fair play in future negotiations over the sale of the Black Hills (Lazarus 1991:89-92). In August of 1876, George Manypenny was appointed chair of a commission to recommence negotiations for the acquisition of the Black Hills (Olson 1965:224-226). Every possible pressure was put before the Lakota, Cheyenne, and Arapaho leaders who gathered at Red Cloud Agency to cede the Black Hills, from the threat to remove all the tribes to Indian Territory in Oklahoma to an order to withhold rations until an agreement was signed (Lazarus 1991:92; Price, C. 1996:155). Even though there was still little consensus among the tribal nations who had been forced to gather for the proceedings, some of the leaders, under great duress and in the face of a military armed with bayonets, stepped forward to sign the agreement (Hyde 1961:230-235; Olson 1965: 225-227; Arnold in Crawford and Wagonner 1999:209-210). The parties to this agreement were different bands of Northern Arapahos, Northern Cheyennes, and the Lakotas, including those affiliated with Red Cloud and Spotted Tail, the Lakotas at Cheyenne River, Standing Rock and Lower Brule, and Dakotas from Crow Creek and the Santee reservation (Lazarus 1991:458, 462-463).

The speech of one tribal representative, Black Coal, a member of the Arapaho tribal nation, expresses the seriousness with which these deliberations were being taken. He said:

My friends, you that have come here to counsel with the Indians at this agency, I remember the same thing that took place with my father at the treaty of Horse Creek, when the Arapahoes, Cheyennes, Ogallallas, and Brules were all represented. You have come here to speak to us about the Black Hills and, without disguising anything that we say, and without changing anything that we say, we wish you to tell the Great Father when you get back that this is the country in which we were brought up, and it has also been given to us by treaty by the Great Father, and I am here to take care of the country, and therefore, not only the Dakota Indians, but my people have an interest in the Black Hills that we have come to speak about to-day. This is my country and the Great Father has allowed the Arapahoe people to live here, and he told them that they must not be foolish, and they have never been foolish or behaved badly since they have been in this country, and therefore, they have in interest in whatever becomes of it, the sale of it...(U.S. Senate 1876:35-36).

Other published speeches from the proceedings and unpublished documents of the public and private debates that surrounded them indicate that there was still no consensus among the Lakotas, Cheyennes, and Arapahos regarding the disposition of the Black Hills (Hyde 1961:230-235). Indeed, one Lakota leader argued that no decision could be reached on the matter without consulting the other Lakotas who were not in attendance. The reluctance of the Lakotas and their allies to relinquish the Hills was not only based on their importance to these tribes, but also on the history of broken promises and bad faith by which the federal government had conducted itself in its dealings with them. As Two Strikes said, "The reason we are afraid to touch the pen and are silent before you is because we have been deceived so many times before," and as another Lakota exclaimed, "since the Great Father promised that we should never be moved we have been moved five times...I think you had better put the Indians on wheels and you can run them about wherever

you wish” (in U.S. Senate 1876:43, 52). Nonetheless, on the 19th of October, various leaders, including Red Cloud, Young Man Afraid of His Horse, and American Horse, stepped forward and signed the agreement (Olson 1965:225-227). To this day, many people believe that the Lakotas and other tribal leaders did not understand the agreement to which they affixed their signatures. Despite the fact that three-quarters of the adult men had not signed the agreement, it was concluded on October 27, 1876 and ratified the following year on the 28th of February by the Senate. Notwithstanding the illegality of its actions, the United States formally seized the Black Hills, claiming that the Lakota people had ceded it under the 1876 Black Hills Agreement (Price, C. 1996:155-157).

It is clear, however, that the parties to this agreement had a very different interpretation of what it meant. Red Cloud is purported to have believed that he had signed a “lease” agreement, as introduced to him and others by William Allison during the negotiations of 1875 (Olson 1965: 227). Whether this is the case or not, it is clear that he was firm in his belief that the United States was obligated to provision the Lakotas indefinitely. As he told a government agent, “The white man can work if he wants to, but the Great Spirit did not make us to work. The white man owes us a living for the lands he has taken from us” (*quoted in Lazarus 1991: 103*). Of course, the intention of the government, whether it was clear to the Lakotas and their allies or not, was to enter into a purchase agreement in which there was a definite but open-ended conclusion to the “payments.” It is also clear that whatever “concessions” the tribal parties to the agreement may have retained in the Fort Laramie Treaty of 1868 were stripped from them in the 1877 agreement. This included the loss of their off-reservation hunting rights to the Republican and Powder River countries.

7. Tribal Resistance and Surrender

Even as tribal title to the Black Hills was being relinquished, many Lakotas, Cheyennes, and Arapahos continued to remain out of the reach of the agencies and the soldiers, traveling, camping, and hunting in isolated locations in the vast country of the Powder, Tongue, and Yellowstone rivers. After the battle with Custer’s forces on the Little Bighorn in Montana, many of these bands continued to follow their independent way of life, notwithstanding the considerable hardships they endured during the harsh winters of the 1870s (Powell 1982:2:793, 923, 926-928, 933). Cheyennes under Little Wolf and Dull Knife (a.k.a. Morning Star) and Oglalas under Crazy Horse and Lame Deer resolutely refused to sign any agreement or to stay at the agencies along the White River. Before the famous fight with Custer in the summer of 1876, they constituted the nucleus of the populations who lived in the regions between the Black Hills and Big Horn Mountains. In the summers, their ranks swelled when their kin from the agencies joined them in hunting and on raiding expeditions against American miners, the Crows, Shoshones, and other enemies. In the aftermath of the Battle of Little Bighorn and the threat of further hostile action from the U.S. military, they remained determined to hold their northern territories. In July and August of 1876, some of these bands camped near Bear Butte, while their younger warriors raided white settlements on the northern side of the Hills for horses, cattle, and other commodities. The policy of many of the older leaders, at least among the Cheyennes, was to avoid the whites and stay out of harm’s way (Powell 1982:2:1047-1051).

Over the next few years, facing starvation and sickness among their peoples, the non-treaty northern bands associated with Crazy Horse started to surrender themselves at agencies on the White River in the spring of 1877. Contrary to previous and very small estimates of their population size, the Oglalas, Minneconjous, Itazipcos, and Cheyennes who surrendered numbered well over four thousand people (Hyde 1937:292). With the surrender of Crazy Horse, his followers and associates, only one small band under Lame Deer remained outside federal jurisdiction.

When Lame Deer was killed by Colonel Miles troops, the band fled but eventually surrendered at Spotted Tail Agency in the fall of 1877 (Hyde 1937:245). Although all of the Lakotas were now effectively under federal control, it would be another two years before the remaining Cheyennes were subdued and eventually settled either at Pine Ridge among the Lakotas or on their own reservation in Montana (Eastman in Graber 1978:28, 132-134; Powell 1982:2:1245-1261; Striata 1995:60-69).

After their forced removal to Oklahoma in 1877, the Northern Cheyennes under Little Wolf and Dull Knife made a return trek to the north with their people in 1878 (Grinnell 1956:359-414; Weist 1977:80-81; Striata 1995:34-37). Even though they shared a common heritage with the Southern Cheyennes, they were no longer a part of the same community. As Father Peter Powell (1982:2:1067-1070, 1125-1131) writes, their long history of intermarriage, territorial sharing, and political alliance with the Lakotas made them closer socially and culturally to this tribe, and it was with these relatives and friends that they sought shelter. Many of Dull Knife's people, however, were killed by the military when they tried to escape capture after being imprisoned at Fort Robinson (Grinnell 1956:414-427; Weist 1977:82-83). Some of those who lived were eventually settled at Pine Ridge (Striata 1995:74-76).

III. THE WIND CAVE AREA IN TRANSITION

In less than two decades, after the U.S. government began to impose boundaries on tribal territories, the Black Hills changed from being a camping ground, religious sanctuary, meeting place, plant nursery, game reserve, and mineral storehouse owned, occupied, and used exclusively by the Lakota, Cheyenne, and Arapaho nations (except for a few white traders who lived in their midst) to a land populated and controlled by European Americans for their own settlement and development. The demographic transition was swift and brutal. In little more than two years, the Hills turned from a region largely devoid of European Americans to one of the most densely populated areas of Dakota Territory. Almost overnight, towns sprang up with full services and amenities from saloons and banks to bakeries and churches. Major stage lines and freighting services quickly crisscrossed the region bringing people and supplies to the gold-rich towns of Custer and Deadwood.

Before 1875, the Black Hills remained an important area of occupation for the Lakotas, Cheyennes, and Arapahos. The bands of these tribes wintered at campsites that nearly encircled the Hills, they traveled into the interiors to fish, hunt, gather plants and lodgepoles, and they camped at various spots to conduct their religious observances and political deliberations. Their wintering locations stretched from the Fall River and the Buffalo Gap to the valley of Rapid Creek, from there to Red Water, and then along Stockade-Beaver Creek to the South Fork of the Cheyenne. In the summers, their camps were observed, among other places, at Reynolds Prairie and Castle Creek. This all changed in 1875, when scores of miners and settlers illegally entered the Hills and took control of the mineral-rich interiors. As the Lakotas and their allies waged war on the trespassing whites, the region became too dangerous for their own families and settlements. But even in the winter of 1875-1876, at the height of the illegal emigration, some Lakotas were reported to have camped in the Hills to escape the blizzards and bitter cold of one the harshest winters in the region's history. Even though these tribes were permanently exiled from the Hills through the passage of the Black Hills Act in 1877 and were no longer able to live among them on their own terms, they would continue to embrace the area and use it for a wide variety of cultural purposes in the coming years.

In the midst of this change, the southeastern reaches of the Hills, where Wind Cave National Park is now located, remained largely isolated. Two of the federally sponsored expeditions to this area, Custer's and Hinman's, may have crossed portions of the park's land, or, at the very least, lands that bordered park properties. The Jenney Expedition of 1875 sent parties to the southeastern area of the Hills and developed a fairly detailed map of the region that included the Beaver Creek drainage from its headwaters near Pringle to its mouth east of the Buffalo Gap on the Cheyenne River. From some of their descriptions, it is clear that they entered the park along Beaver Creek en route to the Buffalo Gap and Hot Springs.

In the years before 1875, the southeastern area of the Black Hills was used and occupied primarily by Lakotas and the Cheyennes who remained in their midst. The Buffalo Gap was a favorite wintering area, especially for some of the Sicangu, Minneconjou, and Oglala bands, a location where people stayed from the late fall through the early spring. Neighboring areas along the Fall River, French Creek, and the South Fork of the Cheyenne were also popular winter camping areas, close enough for small parties to travel to park lands in search of food. The area was also probably used by the Masikota Cheyennes, and perhaps some of the other Cheyennes associated with the Oglalas and Sicangus. It was reported as a location where Lakotas temporarily encamped in the spring or fall when traveling between their buffalo-hunting grounds on the Powder and Tongue rivers and their agencies on the White River. In a variety of different sources, which are described in later chapters, the region was widely regarded as a hunting ground where small parties of men came to hunt deer and elk in the late fall from their settlements on the White River and even as far away as the Platte. It was also known as a place where people came to draw on the healing waters of the neighboring hot springs. Finally, it was reported to be the location of three major "Indian trails," one which entered the Hills at the Buffalo Gap and followed Beaver Creek into the higher elevation interiors near present day Custer, South Dakota, another which followed trails to Custer on the park's western border, and a third, known as the Race Track, which encircled the Hills, and also covered park properties.

The Buffalo Gap was the area that Spotted Tail recommended in 1874 for the establishment of a permanent agency for his followers. The historic record does not tell us why he singled out this site, but as the discussion in Chapter Seven reveals, this was a logical choice given the transhumance migratory patterns of the game on which local tribes depended. The area extending from the Race Track through the Hogback to the grasslands were included in the lands that Red Cloud and other Lakotas did not wish to give up when the cession of the Black Hills was being negotiated in 1875 and then again in 1876. The historic record does not reveal why the Lakotas wanted these lands reserved for them, but again, as subsequent discussion reveals, they occupied a critical place in the ecological adaptations of local tribes to this area.

We can also be certain that many early prospectors traveled across park lands to reach the gold fields near Custer. Two of the major trails into the gold mining areas in the Hills' interiors passed through the southern Hills. One of these, the Sidney-Custer Trail, entered the Hills at the Buffalo Gap and crossed sections of the park along Beaver Creek. The other, the Cheyenne-Custer Trail, followed Red Canyon and Pleasant Valley, or the Pringle area, along the western edge of park properties. While thousands of European Americans traveled these routes on foot and horseback or by wagon and freight team, very few appear to have stayed in the area before 1877. Indeed, during much of the period between 1874 and 1876, the trails into the Hills at the Buffalo Gap and Red Canyon were war roads that the Lakotas attempted to defend against outside encroachments. The intensity of Lakota military activity along these routes reveals, at least in part, how important this area was to them and how it would not be easily surrendered to incoming whites. Because of its lack of mineral wealth, isolation, and vulnerability, this region was

largely devoid of any white settlement. It would take another decade for European Americans to establish a substantial presence in this part of the Hills.