

# From Prison to Homeland: The Cheyenne River Indian Reservation before WWI

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There should be no doubt that the Great Sioux Agreement of 1889 was designed to destroy what remained of the Teton bands' traditional way of life. The eastern reformers who drew up the agreement and the politicians who approved it were committed to replacing the old ways with new ones. Hunting, living in bands, accepting the rule of elders, following the wisdom of religious leaders, and traveling in an annual cycle across a large territory—these were all targets of the new law. Senator Henry L. Dawes, the author of the 1887 general allotment act that bore his name and the principal architect of the 1889 agreement, believed there was no alternative. As he wrote, "We may cry out against the violation of treaties, denounce flagrant disregard of inalienable rights and the inhumanity of our treatment of the defenseless . . . but the fact remains. . . . Without doubt these Indians are to be somehow absorbed into and become a part of the 50,000,000 of our people. There does not seem to be any other way to deal

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with them."<sup>1</sup> By 1889, Dawes was convinced of his own wisdom. South Dakota had become a state. New rail lines were snaking across the plains, and thousands of settlers—some of them freshly arrived from Europe—were traveling west to share in America's last great land boom.<sup>2</sup>

Dawes promised that the new land would satisfy white land hunger while it started the Sioux on the road to total assimilation. The agreement provided that (1) the tribes would cede 11 million acres west of the Missouri River to the United States; (2) five reservations would be established on the remaining lands (Standing Rock, Cheyenne River, Lower Brule, Rosebud, and Pine Ridge); (3) the government would create a fund to provide individuals with farming equipment, supplies, and schools; and (4) each reservation eventually would be allotted among the people who lived there.<sup>3</sup>

Secretary of the Interior John Noble welcomed these steps. He wrote that "the breaking up of this great nation of Indians into smaller parts and segregating . . . separate reservations for each of said parts marks a long step toward the disintegration of their tribal life and will help them forward to . . . civilized habits."<sup>4</sup> Like Dawes, the secretary believed that the pace of white settlement in South Dakota made it possible for the Teton bands to maintain their old ways. The 1889 law would force the tribes into the modern world.

Not surprisingly, tribal leaders among the Sioux agreed with Senator Dawes and the secretary. Still angry over the theft of the Black Hills and the government's refusal to live up to the 1868 Fort Laramie Treaty, tribal headmen wanted no part of additional land cessions. To them it was obvious that further reductions in the size of their nation would mean the arrival of still

1. Henry L. Dawes to Secretary of the Interior Teller, quoted in Loring B. Priest, *Uncle Sam's Stepchildren: The Reformation of United States Indian Policy, 1865-1887* (New Brunswick, N.J.: Rutgers University Press, 1942), pp. 194-95.

2. See Howard R. Lamar, *Dakota Territory, 1861-1889: A Study of Frontier Politics* (New Haven, Conn.: Yale University Press, 1956), chaps. 8-9, and Everett Dick, *Sodhouse Frontier, 1854-1890: A Social History of the Northern Plains from the Creation of Kansas & Nebraska to the Admission of the Dakotas* (New York: D. Appleton-Century Co., 1937).

3. See U.S., *Statutes at Large*, vol. 25, pp. 888-99.

4. John Noble, quoted in Francis Paul Prucha, *American Indian Policy in Crisis: Christian Reformers and the Indian, 1865-1900* (Norman: University of Oklahoma Press, 1976), pp. 186-87.

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more whites, along with increased pressure from missionaries and educators, and more demands that they turn to farming.

The 1868 treaty had stipulated that three-fourths of the adult male members of the tribes must approve all future land sales. Seven years and four different congressional delegations were required before the tribes approved this new agreement. While several leaders won significant concessions during these negotiations, the 1889 agreement was a major defeat for the tribes.<sup>5</sup> Its ratification was met with anger and depression. It is probably no accident that the announcement of the 1889 agreement and the fighting at Wounded Knee occurred within a year of each other.

But the events of 1889 and 1890 did not mark the last days of the Sioux Nation. Surprisingly, Lakota culture survived the programs designed to kill it. The 1889 agreement failed to destroy all the old ways. It failed to turn red men into white men. It failed to achieve the complete "disintegration" of tribal life. And the supreme irony: the reservations forced on the tribes did not become vehicles for "civilizing" and assimilating them; instead, they became cultural homelands, places where a native identity could be maintained and passed on to new generations. Rather than graveyards for culture, the reservations created in 1889 eventually became centers for awareness and even for hope. To describe this paradox is to beg the question—Why? How did the prisons of the nineteenth century become the cultural homelands of the twentieth?

When the Cheyenne River Indian Reservation was established in 1889, it contained four distinct Lakota bands whose ways of life had not changed fundamentally for generations. Prior to 1889, the native people living near the Cheyenne River had been confined to the area around old Fort Bennett and urged to farm and adopt Christianity. But despite these restrictions and demands, there was little direct pressure on the Indians to break up their camps and leave the protected river bottoms where they had made their winter homes.<sup>6</sup>

The bands had little contact with one another. Minneconjous lived on Cherry Creek in what would become the western end of the reservation. Sans Arc communities could be found along the

5. See Prucha, *American Indian Policy in Crisis*, pp. 169-87. Congress authorized the first version of this agreement in 1882.

6. See U.S., Department of the Interior, Office of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior, 1890* (Washington, D.C.: Government Printing Office, 1890), p. 42.

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Moreau River at places such as White Horse and On the Trees, running near what would become the northern border of the preserve. The Blackfeet and Two Kettle bands hugged the Missouri, spreading out between Fort Bennett and the Moreau. Most of these camps had a headman and some sort of government day school that operated sporadically during the year. Of course allotment had not yet begun.<sup>7</sup>

While game was growing scarce and the government's rations were not always reliable, farming and stockraising had not yet become essential to the people's livelihood. Five district farmers visited the various communities, but as the superintendent reported in 1890, "they usually [had] very little to show for their work."<sup>8</sup> People at the Cheyenne River Agency survived on a combination of rations, money from odd maintenance and freighting jobs, and whatever they could hunt or gather on the prairie.

The 1889 agreement undermined this peaceful routine. The government stepped up its efforts at the agency and broadened the scope of its activities. As Senator Dawes had promised, the campaign to "absorb" the Sioux into American society began in earnest. First, the Cheyenne River Agency was moved from Fort Bennett—which lay outside the new reservation—to Charger's Camp on the Missouri River. While the Minneconjous living on Cherry Creek were further than ever from the superintendent's office, the Blackfeet and Two Kettle bands on the Missouri and the Sans Arcs on the Moreau were now close at hand. Second, a large boarding school was built next to the new agency. By 1904, this school had space for 130 students. In addition, up to 200 children began to be sent to BIA schools in Pierre and Rapid City

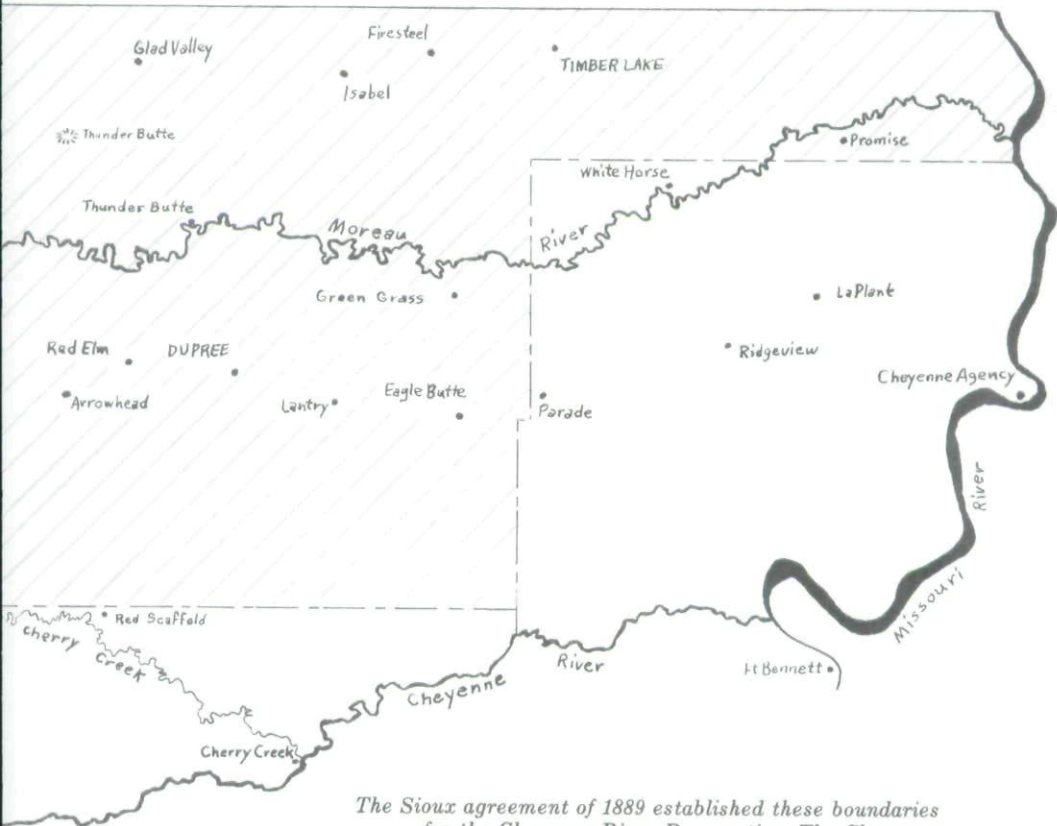
7. U.S., Public Health Service, Public Health Indian Hospital, Eagle Butte, South Dakota, *History of the Cheyenne River Reservation*, pp. 1-5.

8. *Report of the Commissioner of Indian Affairs, 1890*, p. 42.

*Village at Cherry Creek, circa 1890.*



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*The Sioux agreement of 1889 established these boundaries for the Cheyenne River Reservation. The Cheyenne River formed the southern border, thus excluding Fort Bennett from the reservation and necessitating the removal of the agency to its indicated location. The hatched area of the reserve was opened to white settlement by presidential proclamation on 19 August 1909.*

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*Boarding school at Cheyenne Agency, 1909.*

and to the mission school at Oahe. These institutions, coupled with the day schools at Cherry Creek, Thunder Butte, Green Grass, On the Trees, and White Horse, could accommodate all of the approximately 650 school-age children on the reservation. Consequently, the agency could now step up its campaign to force all young people to attend school. By the early 1900s, it was almost impossible for a family to avoid sending its children away for an education, the principal goal of which was to separate the children from their traditions and their past.<sup>9</sup>

School attendance also increased in response to the expansion of the Indian police and the Courts of Indian Offenses. In 1890, when the reservation was being organized for the first time, the superintendent at Cheyenne River noted that "many of the best Indians will not serve" on the police force. Whether this was because of the low pay offered them (as the superintendent thought) or because of the controversy surrounding the arrest and killing of Sitting Bull at nearby Standing Rock is unclear. What is certain, however, is that within ten years the Indian police were active in every part of the reservation. In 1896, policemen began to be selected from the districts, and police stations were erected at Cherry Creek and White Horse. The tribal courts, with judges selected from the four bands, met regularly and passed judgments on all but the five major crimes.<sup>10</sup>

9. *Ibid.*, p. 323.

10. *Ibid.*, p. 45; *Report of the Commissioner of Indian Affairs, 1896*, p. 284; *Report of the Commissioner of Indian Affairs, 1899*, pt. 1, p. 328.

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A third feature of the government's activism on the new reservation was the practice of stationing farmers in each district. During the 1890s, subagencies were constructed at Cherry Creek and White Horse. Thunder Butte was added in 1909. These installations were permanent homes for the farmers who supervised individual family gardens and monitored the cattlemen who leased tribal pastureland. Through the efforts of these men, the area being cultivated at Cheyenne River began to grow. In 1895, only 700 acres had been planted in crops. Two years later that figure had nearly doubled, and by 1907 the superintendent reported that "at no time has there been so much farming . . . this reservation." The gains in stock raising were equally impressive. In 1890, 500,000 pounds of Indian cattle were sold to the agency for rations. In 1899, *that* figure had doubled.<sup>11</sup>

The year 1900 marked the beginning of allotment at Cheyenne River. Crews of surveyors worked methodically across the entire preserve. By 1909, they had made more than twenty-one hundred homestead assignments.<sup>12</sup> This process not only pushed families out onto their own land, but it brought home to each member of the reservation the fact that a new era had begun and that the government was determined to change their old way of life. The new reservation environment demanded that the Indians respond or perish.

Changes in Indian ways of life were apparent almost from the beginning of the government's assimilation drive. One of the most obvious of these was the dispersal of the population across the reserve. Rather than camping in concentrated areas and keeping to the place where their band had originally settled, young people began moving out on their own. For example, a man born near Fort Bennett in 1885 remembers today that "they allotted land to us and wherever our land was, was our homestead."<sup>13</sup> As a result, he moved to faraway Iron Lightning and

11. *Report of the Commissioner of Indian Affairs, 1895*, p. 282; *Report of the Commissioner of Indian Affairs, 1897*, p. 263; Thomas Downs to Commissioner of Indian Affairs, 26 Aug. 1907, General Correspondence, Cheyenne River, File 031, Records of the Bureau of Indian Affairs, Record Group 75, National Archives, Washington, D.C. (the National Archives is hereafter cited as NA); and *Report of the Commissioner of Indian Affairs, 1899*, pt. 1, p. 328.

12. Tabulation based on unpublished allotment schedule, Cheyenne River Agency Realty Office, Eagle Butte, South Dakota. See Frederick E. Hoxie, "Jurisdiction on the Cheyenne River Reservation: An Analysis of the Causes and Consequences of the Act of May 29, 1908," a report prepared for presentation in *U.S. v. Dupris*, No. CR77-30056-01, U.S. District Court, District of South Dakota, app. 2.

13. Hoxie, "Jurisdiction on the Cheyenne River Reservation," app. 2.

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began farming his allotment. Men like him thus opened up new areas of the reservation. In addition to Iron Lightning, Thunder Butte in the extreme northwest and Red Scaffold in the southwest were both settled during these years. People lived near their land and began to think of themselves as part of something new—the Cheyenne River Sioux Tribe. As the superintendent reported in 1897, “The Indians of this reservation, while composed of what were formerly known as the Blackfeet, Sans Arc, Minneconjou and Two Kettle bands of Sioux, are now regarded as one people, without any distinction as to band.”<sup>14</sup> While the superintendent was overstating things—band designations are important even today—his perception was accurate. People on the reservation were now being defined as a single tribe. It was logical that they would begin defining themselves in the same way.

The second area of change involved the organization of reservation life. The Indian police and courts functioned as a unified whole and helped foster the idea of a reservation unit. Whether they were admired or hated, the policemen affected everybody, and they made it clear that Cheyenne River was a single place.

Another feature of this new tendency to organize the four bands into a single structure was the creation in 1903 of a twelve-man tribal business council. Prior to 1903, two kinds of councils had operated. The first was a general council open to all adult males assigned to the agency. This was the group that had been assembled to approve the 1889 agreement. The second council was an executive body made up of principal headmen. The new business council changed the old pattern in significant ways. First, members of the business council were elected from different parts of the reservation. Four men were chosen from each of the districts: White Horse, Cherry Creek, and the Agency District. (Thunder Butte was added in 1909.) And second, each councilman was elected by a local council, meeting at the sub-agency. These district councils also had to ratify all decisions involving money or the leasing of tribal property. While elders and traditional band leaders could still be chosen, this new system allowed younger people to rise to positions of influence. Nineteen hundred and three marked an important step in the gradual shift of leadership away from band leaders and toward people chosen for their ability to represent their constituents in a unified tribal government.<sup>15</sup>

14. *Report of the Commissioner of Indian Affairs, 1897*, p. 262.

15. See Ira A. Hatch to Commissioner of Indian Affairs, 11 Feb. 1903, Letters Received #10772, 1903, RG 75, NA.



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As the reservation neared its twentieth anniversary in 1908, the people of Cheyenne River were surviving in their new environment. They were farming and raising cattle, relying less and less on government rations. Their children were attending school. Many of them were living in new settlements, and all of them were gaining a fresh image of themselves. They were a part of the Cheyenne River Tribe. While the members of this new tribe were themselves responsible for the changes that were taking place, it was clear that the government's programs had started the process.

But did the presence of these new institutions and new ways of life signify rapid assimilation? Does the fact that the tribes adaptation began with the creation of the reservation mean that the Cheyenne River people were straying from their traditions and giving in to the white man? How did they respond to the erection of schools, the spread of allotment, and the rising power of the tribal police? Were the councilmen, the farmers, and the policemen all people who had been absorbed into the modern world? The behavior of the tribe during the remainder of the period before World War I reveals that answers to these questions should not be taken for granted. While first accepting a number of changes in their tribal organization and way of life, the people of Cheyenne River soon demonstrated that there were limits to their flexibility. They intended to remain a tribal people.

For the non-Indians of South Dakota, the twenty years following the passage of the Great Sioux Agreement brought unprecedented growth. White population in the state rose by over 60 percent. New branch lines linked small towns to major railroads, putting cattlemen and farmers within easy reach of eastern markets. South Dakota's boosters imagined that soon the state would finally live up to its publicity. This feeling intensified as the region emerged from the depression of the 1890s, and wheat and beef prices began to climb to new heights. After bottoming out at fifty cents in 1895, wheat rose to almost a dollar a bushel in 1908.<sup>16</sup>

Good times and the prospect of future prosperity brought new demands that the Teton reservations be reduced in size. Rosebud was the first to feel this pressure. In 1901, the tribe agreed to sell a large portion of its reservation to the government. The territory was not opened immediately, however, because a dispute

16. See U.S., Department of Commerce, Bureau of the Census, *Historical Statistics of the United States, 1789-1945* (Washington, D.C.: Government Printing Office, 1949), p. 106.

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arose in Congress over whether or not the government should pay for it. Some legislators argued for ratification of the agreement (and payment of the amount promised) while others suggested that they simply seize what they needed for settlement. The two groups were deadlocked until 1903 when the Supreme Court decided *Lone Wolf v. Hitchcock* and specifically authorized the national legislature to exercise its "plenary authority" in the disposition of all Indian lands.<sup>17</sup> There was now no legal reason for Congress to pay the Rosebud tribe the money it had been promised. Armed with this invitation, the advocates of seizure won out, and a large portion of the Rosebud preserve was soon open to white settlement.<sup>18</sup>

With Rosebud behind them, it did not take long for South Dakota's merchants and farm speculators to turn their attention to Cheyenne River. Opening this reservation to settlement would—in the words of one Pierre newspaper—be "the impetus of the development of Central South Dakota." "It means," the editorial continued, "the building of a great city right at Pierre."<sup>19</sup> On 9 December 1907, Senator Robert Gamble (whose South Dakota backers called him "the empire builder") introduced a bill to take a portion of the Cheyenne River reserve for homesteading. At the same time, Philo Hall, the state's lone Congressman, introduced a second bill that proposed to open *all* of the reservation's unallotted land.<sup>20</sup> Both bills were forwarded to the secretary of the interior for his comments. Within a few days, the secretary had instructed James McLaughlin, a thirty-five year veteran of the Indian Service, to go to South Dakota and convince the residents of Cheyenne River to approve the idea.<sup>21</sup>

But people on the reservation did not wait for McLaughlin before they let their feelings be known. Less than a month after the two bills were introduced, the tribe's general council met and spoke out against them. The group also appealed to the Indian Rights Association (IRA) for help. Writing on behalf of the general council, James Crow Feather noted that "we . . . consider

17. *Lone Wolf v. Hitchcock*, 187 U.S. 565 (1903).

18. For a detailed description of the effects of the *Lone Wolf* decision on land openings at Rosebud and elsewhere, see Frederick E. Hoxie, "Beyond Savagery: The Campaign to Assimilate the American Indians, 1880-1920" (Ph.D. diss., Brandeis University, 1977), pp. 380-92.

19. *Pierre Daily Capital-Journal*, 13 Apr. 1908.

20. Gamble's bill was S. 1385 and Hall's was H.R. 10527, both were presented in the 60th Congress, 1st session.

21. Acting Secretary of the Interior Frank Pierce to James McLaughlin, 26 Dec. 1907, General Correspondence, Cheyenne River, File 308.1, RG 75, NA.

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ourselves incapable of plunging into the whirl of citizenship."<sup>22</sup> The business council sent a second letter to the IRA that listed four reasons for opposing Gamble's and Hall's bills:

1. Our consent was never asked.
2. In our reservation we think the lands are rich in mineral deposits. We want these lands to be examined before opening for settlement.
3. The bill is not satisfactory to us.
4. What former treaties promise is not fully carried into effect yet.<sup>23</sup>

After approving the texts of these two letters, the tribe's leaders decided to chose one delegate from each district to visit Washington. They selected Allen Fielder (Agency District), Percy Phillips (White Horse), and Ed Swan (Cherry Creek).

While willing to accept the government's schools and farming campaigns, the council rejected further land cessions out of hand. When Inspector McLaughlin arrived at Cheyenne Agency on 16 March 1908, he found James Crow Feather, the chairman of the business council, there to meet him. Bad weather kept most people from attending the conference with McLaughlin, but the inspector (with his BIA orders in his pocket) presented his case anyway. Crow Feather, speaking for the council, responded sharply, "There are many more of us people than are here today, . . . and we have a way of doing business in matter of this kind. . . . It is our business council. . . . This matter is of interest to the whole tribe. I am chairman of the business council and we have rules regarding this matter, and I would like to carry them out . . . I would like to have all the people together when we do business regarding land."<sup>24</sup> McLaughlin ignored Crow Feather. He told the group that "Congress has the right to open the Indian reservations by legislative enactment without obtaining the consent of the Indians" and that they would be better off if they agreed to the change.<sup>25</sup> After two days of fruitless speechmaking, the inspector returned to Washington.

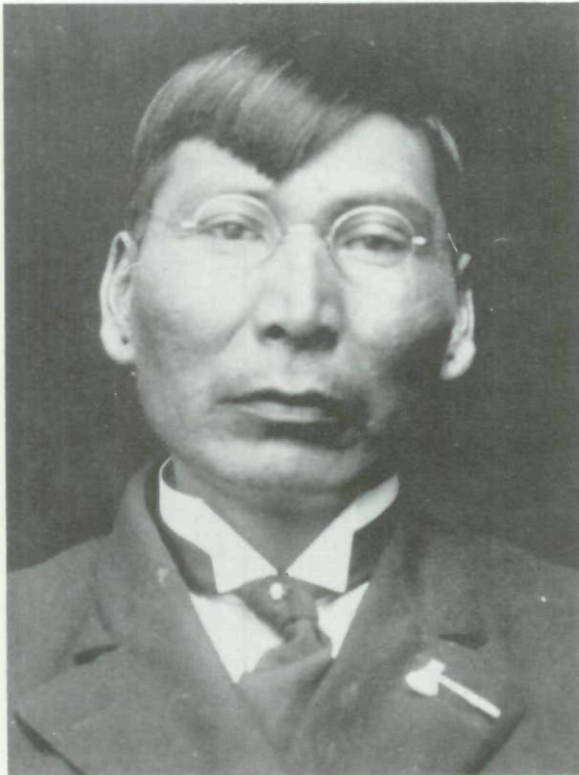
McLaughlin's prediction that Congress would act on its own quickly came true. Less than two weeks after he left South

22. "Proceedings of the General Council of the Cheyenne River Sioux Tribe, 6, 7, and 8 January 1908 at Whitehorse, South Dakota," enclosed in Superintendent to Commissioner of Indian Affairs, 23 Jan. 1908, General Correspondence, Cheyenne River, File 054, RG 75, NA.

23. Ibid.

24. U.S., Senate, Committee on Indian Affairs, *Sale of Portion of Surplus Lands on Cheyenne River and Standing Rock Reservations*, S. Rept. 439, 60th Cong., 1st sess., 15 Apr. 1908, pt. 2, p. 19.

25. Ibid., 2:18.



*James Crow Feather*

Dakota, the Senate Indian Affairs Committee endorsed a bill to open nearly half the reservation to white homesteaders. Again, James Crow Feather protested. In a letter to the commissioner of Indian Affairs, he minced no words, "I do not like this way of doing business, because it is not according to the rules of the Indian Office, both here and in Washington. Mr. McLaughlin made a story of my people that did not represent them correctly. . . . As the bill now is it [is] against our will. This is not honest."<sup>26</sup>

The tribal business council immediately dispatched the delegation they had selected in January. These men argued their case at

26. James Crow Feather to Commissioner of Indian Affairs, 25 Apr. 1908, General Correspondence, Cheyenne River, File 308.1, RG 75, NA.

the Indian Office, offering to open a small portion of the reserve but demanding the retention of mineral rights on whatever lands were taken. Unfortunately, their efforts were in vain. They arrived in Washington during the first week of April. On 15 April, the homestead bill passed the full Senate; five days later, it was approved by the House Indian Affairs Committee. At that point, its ultimate passage was a foregone conclusion. President Roosevelt signed the bill on 29 May 1908.<sup>27</sup>

Despite their defeat, the tribal leadership continued to protest the new law. At its next meeting, the general council adopted a resolution declaring that "the members of this reservation have been treated unjustly in the opening of a portion of this reservation."<sup>28</sup> A year later, the superintendent reported that "the people of this reservation cannot become reconciled to the idea that they did not have a proper voice in the recent ceding of the lands of this reservation to the United States."<sup>29</sup> The tribe had lost a battle, but it was gaining valuable experience in dealing with assaults on its territory. Tribal spokesmen had met the government's agents with effective arguments. Delegates representing the three districts on the reservation had presented their case in Washington. The business council had responded quickly to the crisis and presented a unified position to opponents. If the tribe had more time to organize when the next attempt was made to push a homestead bill through Congress, perhaps then their protests would be heard.

The people at Cheyenne River did not have long to wait for a new attack. In 1909, within a few months of the arrival of the first homesteaders on the freshly opened lands, South Dakota's merchants and politicians began lobbying to open still more territory to white settlement. This time they wanted all of the remaining tribal lands. Their goal was nothing less than the "final absorption" that Senator Dawes had predicted. South Dakota's Senator Robert Gamble introduced his bill to authorize the sale of all unallotted land on the Cheyenne River Reservation in December. The politicians' argument was by now familiar: "It is a matter of

27. U.S., *Statutes at Large*, vol. 35, p. 460. The area was opened by a presidential proclamation dated 19 August 1909. See U.S., *Statutes at Large*, vol. 36, p. 2500.

28. "Proceedings of the General Council of the Cheyenne River Sioux Indians, 3 June 1909," Folder 63023-09, General Correspondence, Cheyenne River, File 054, RG 75, NA.

29. L. F. Michael to Commissioner of Indian Affairs, 2 Aug. 1909, General Correspondence, Cheyenne River, File 054, RG 75, NA.

the utmost importance to the development of the state."<sup>30</sup> While no one in Washington immediately opposed the idea, it was soon apparent that the new bill would not be rushed through as quickly as the first one had been. Homesteads opened by the 1908 law were only beginning to be settled, and it was obvious that they would go slowly. By the end of 1911—two years after the first filing—only a quarter of the available land had been claimed.<sup>31</sup> Neither Congress nor the Indian Office felt any overriding need to go along with Gamble and his backers.

This time the tribe would have more time. The general council began its resistance by passing a unanimous resolution opposing the measure and authorizing a delegation of eight to go to Washington. Before this group left, Inspector McLaughlin reappeared but got nowhere. Only thirty-six people showed up for the "council" he summoned.<sup>32</sup> With Congress eager to adjourn for the 1910 elections and the tribe unified in its opposition, it seemed clear that the bill would not come up for a vote. Gamble decided to put off the battle until 1911.

When the legislators reassembled in the fall of 1911, the senator was ready with a new version of his bill. Once again resolutions were passed at Cheyenne River condemning the idea, and once again Major McLaughlin appeared to argue his case. But the tribe refused to continue this now familiar charade. Percy Phillips, who had represented the White Horse district in trips to Washington in 1908 and 1910, was the first to speak when the representative from Washington arrived. "A delegation went to Washington concerning this same bill a year ago last winter," he exclaimed. "We went down there and we . . . would not have anything to do with the bill."<sup>33</sup> Why, he asked, should the tribe discuss it again? Others spoke up. Charles La Plant, who was aware that the meeting was being recorded, protested that from McLaughlin's speech someone reading the transcript might get

30. Robert Gamble to Richard A. Ballinger, 14 Dec. 1909, General Correspondence, Cheyenne River, File 308.1 (No. 99923-09), RG 75, NA.

31. *Report of the Commissioner of Indian Affairs, 1911*, p. 113.

32. James McLaughlin to Secretary of the Interior, 10 Feb. 1910, General Correspondence, Cheyenne River, File 308.1 (No. 99923-09), RG 75, NA.

33. "Minutes of Council Held by James McLaughlin, Inspector—Department of the Interior, with the Indians of the Cheyenne River Agency, South Dakota, Relative to the Sale and Disposition of the Surplus Lands of their Reservation as Contemplated by Senate Bill 108, 62nd Congress, 1st session," p. 6, attached to James McLaughlin to the Secretary of the Interior, 23 Nov. 1911, Legislation, File 5-1: Cheyenne River—Opening (Pt. 1: 62nd Cong.), Records of the Office of the Secretary of the Interior, RG 48, NA.

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the impression that an official council was taking place. He reminded the inspector that "this is not what we call a general council."<sup>34</sup> John Last Man was the most eloquent. Turning to McLaughlin, he said, "This bill has been before Congress for the last four years and you come every time to present it to us. . . . It seems like this bill called for the rest of our reservation being sold and the money to be used for the benefit of the whites. . . . [with the bill] this reservation is opened up and gone and used to the benefit of the white men and for them until the Indians die of starvation."<sup>35</sup>



*The 1910 Cheyenne River Reservation delegation to Washington, D.C. Standing, from left, are James Crow Feather, Justin Black Eagle, Fred LaPlant, and Percy Phillips. Seated, from left, are Patrick Miller, Roan Bear, No Heart, and Runs The Enemy.*

Finally, after listening to the inspector's familiar arguments, Chairman James Crow Feather announced that the business council had decided that "a delegation should be sent to the

34. *Ibid.*, p. 7.

35. *Ibid.*, p. 8.

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*Inspector James McLaughlin leans against a tree in company with a group of unidentified Indians.*



Indian Office...to discuss this matter with them face to face... We are all well acquainted with you," he told McLaughlin, "and... we have come to the conclusion of sending a delegation to the Indian Office and that is our answer to this bill."<sup>36</sup> Immediately after Crow Feather spoke, the meeting was adjourned. The next day, 23 November 1911, McLaughlin left the reservation. Three weeks later a new delegation was appointed by the tribe's general council. It consisted of representatives from each of the reservation districts. What is more, the tribe enlisted the support of the Cheyenne River superintendent and the head of the local boarding school. Both men wrote to Washington opposing the new bill, the school principal arguing that its passage would "be disastrous to these Indians."<sup>37</sup>

In early April, the tribal delegation arrived at the Indian Office to make its case in person. It consisted of Ed Swan from Cherry Creek (who was making his third trip to the capital); Oliver Black Eagle from Thunder Butte; Bazille Claymore from the Agency District; Straight Head, probably from White Horse; and Charles Jewett. The group not only opposed Gamble's bill, but it also presented six counterproposals to the commissioner. These ranged from a suggestion that he join them in fighting against further homesteading bills, through requests that full payment be made for lands already opened, to demands that the Indian Office improve health care, education, and administration on the reservation.<sup>38</sup>

Whether they realized it or not, the delegation's elaborate statement succeeded in so confusing the situation that passage of Gamble's bill was now almost impossible. The BIA would have to study their counterproposals and review the current management of the reservation before the commissioner could recommend that Congress pass the measure. And with so little pressure from potential settlers, Congress would not pass the bill unless the BIA approved it. The slow pace of the BIA bureaucracy now became an asset to the tribe. By the time an opinion could be offered, Congress was eager to adjourn and the

36. *Ibid.*, p. 10.

37. Superintendent of Cheyenne River Agency School, quoted in Secretary of the Interior to R. J. Gamble, n.d., Legislation, File 5-1, RG 48, NA. The agency superintendent's views were expressed in Thomas J. King to Commissioner of Indian Affairs, 27 Feb. 1912, General Correspondence, Cheyenne River, File 308.1 (No. 99923-09), RG 75, NA.

38. Edward Swan to Hon. William H. Taft, 1 Apr. 1912, Legislation, File 5-1, RG 48, NA.

proposal was buried. In the years to come, more attempts would be made to pass this bill, and while a similar effort was successful at Standing Rock in 1913, it never succeeded at Cheyenne River.

There is no written record of the tribe's reaction to its victory over Senator Gamble and South Dakota's boosters. In fact, because the bill was simply delayed and not voted down, reservation leaders might not have realized that they had won. For many, it must have taken a winter without a visit from Major McLaughlin to convince them of their success. Less obscure were the dramatic changes that had occurred during the last generation in the tribe's style and system of leadership. Leaders were now chosen by districts and picked—at least in part—for their ability to deal with the business and political details that confronted them. In this respect, it is significant that the 1910 and 1912 delegations to Washington both included men like Ed Swan and Percy Phillips who had been to the capital before. Experience and familiarity with "white ways" had become another qualification for leadership. The business council, with four representatives from each district, had become an effective and flexible body. It could respond quickly to crises and speak credibly for the entire tribe.

Few would claim that the 1908 law that opened nearly half the Cheyenne River Reservation to white settlement was a blessing to the tribe, or that the struggle to retain their remaining unallotted lands was beneficial. But what should be recognized in these events is the way they sparked people on the reservation to organize themselves to respond. The conflict heightened their commitment to the reservation and forced them to produce effective leaders. Senator Gamble's campaign to abolish the Cheyenne River preserve had a unifying and strengthening impact on the people who lived there. Equally significant, resistance to the Gamble bills was led by the business council—an institution created by white men. The white men had created it, but the tribe was now operating it.

Disputes over homesteading were not the only source of conflict between the tribe and the outside world during this period just prior to World War I. Law and order, education, and agriculture were also areas in which the hostility of outsiders allowed (and sometimes forced) the people at Cheyenne River to develop and maintain their own way of life. The final disposition of these issues was also a measure of the tribe's adaptation to their reservation environment.

Prior to the arrival of white homesteaders, the Indian police and the tribal courts had exclusive responsibility for law and



*Indian policeman at Big Foot's Village on the Cheyenne River  
in the 1880s or 1890s.*

order on the reservation. Policemen patrolled the entire preserve, keeping intruders and unauthorized cattle out and enforcing the superintendent's orders in Indian communities. The court met monthly in each of the four districts and heard cases involving violations of regulations (drunkenness, adultery) and disputes between individuals (conflicting claims to property, settlement of estates, and so forth). Once the homesteaders began arriving in 1909 and 1910, many people believed that the tribe would come under the jurisdiction of the new counties that would be organized on the opened lands. Some even expected the reservation institutions to disappear. The *Pierre Daily Capital-Journal* promised that with the new law "another district is unfolding to civilization. . . . No doubt good towns will spring up in this valley which is not so famed, but much larger than the renowned valley of the Mohawk."<sup>39</sup> These predictions proved incorrect. Drought and dust storms accompanied the homesteaders to their claims. Instead of prosperous new farms and bustling boom towns, the open lands produced stunted crops and shattered dreams. In the summer of 1913, Farming Superintendent Charles Davis reported that "the reservation is the worst burned I have about ever seen. . . . At present there is no market for agricultural lands."<sup>40</sup>

39. *Pierre Daily Capital-Journal*, 4 June 1908.

40. Charles Davis to Superintendent, 14 Aug. 1913, General Correspondence, Cheyenne River, File 916, RG 75, NA.

Because of their many hardships, the white settlers had no interest in policing Indian communities. As a result, few reservation residents were prosecuted in the state courts.<sup>41</sup> In addition, the scattered non-Indian communities made law enforcement more difficult. As Superintendent King wrote in 1912, "The opening of the . . . reservation . . . created . . . a community without law . . . this was quickly taken advantage of by bootleggers, gamblers, horse thieves, cattle rustlers and soldiers of fortune generally."<sup>42</sup> Because the state did not act in the face of this rising crime rate, the duties of the Indian police and the tribal courts did not disappear but became even more important. While obviously an arm of the superintendent and not always popular, the reservation's law enforcement officers were respected in the community. Elderly members of the Cheyenne River Tribe still recall the effectiveness of the Indian courts during these years. For example, a man from Cherry Creek remembers, "They had a tribal court (when I was young). . . . That judge he didn't go to school, he have no education, but just a little. . . . and they'll have a court there. And a real court too, them days. . . . and there's a policeman, didn't go to school, he stands there. . . . That's the kind of law and order we had, them days, they were pretty strict. . . . But that's a real court they have."<sup>43</sup>

A similar point can be made about the government schools on the reservation. Here again many people felt that the new county governments would accept Indian children into their schools and, as a consequence, that the BIA schools would disappear. The agency superintendent reported in 1914, for example, that he expected three day schools to "likely be abandoned for the next year, and the public schools organized in their place." This idea was killed in 1915 when South Dakota repealed a law that had opened its schools to Indians.<sup>44</sup> From that time forward, only children whose tuition was paid by the government would be

41. A search of the criminal court records of Dewey and Ziebach counties for 1910-1920 revealed that only four tribal members were prosecuted for violations of state law during that period. One of the four was an adopted white man. For details, see Hoxie, "Jurisdiction on the Cheyenne River Indian Reservation," pp. 117-28 and apps. 97-114.

42. Thomas J. King to Commissioner of Indian Affairs, 25 Mar. 1912, Response to Circular #612, Special Series A, Box 1, RG 75, NA.

43. Hoxie, "Jurisdiction on the Cheyenne River Indian Reservation," app. 75.

44. "Superintendents' Annual Narrative and Statistical Report from Field Jurisdictions of the Bureau of Indian Affairs, Cheyenne River, 1914," Sec. 3: Schools, pt. 2, RG 75, NA; South Dakota, *Session Laws* (1915), chap. 168.

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allowed to attend local white schools. As a result, most Indian children continued to be educated together, either in their own communities or in boarding schools. As in the area of law enforcement, rejection by white society caused tribal members to maintain their ties with each other.

Finally, the presence of boss farmers in each of the four districts helped hold the communities together. The farmers lived at the subagencies and were primarily responsible for supervising individual farms and acting as ombudsmen for all BIA business. Boss farmers were involved in arranging leases, distributing rations, assisting the tribal courts, and hearing complaints. Once the white homesteaders arrived, a new duty was added to this list: keeping settlers off of tribal land and away from Indian cattle. Disputes arose almost as soon as the reservation was opened. The boss farmer was in a unique position. He was a white man, but he was a *federal* official. He knew the Indians well and was responsible for their government-issue property. Cheyenne River may have been unusual, but most of its farmers seem to have been honest and willing to challenge local whites if they felt there was a reason. They did this, for example, in 1915 when Dewey County tried to tax the assets of allottees

*Day school on Cheyenne River Reservation, circa 1890.*



and when the South Dakota herd law was being used to capture and steal Indian cattle.<sup>45</sup>

Through all of their activities, the boss farmers were living reminders to the native people on the reservation that they were a distinct community that could expect certain kinds of help and protection. Some of the flavor of the district life that focused around a boss farmer is conveyed by an elderly resident who remembers Cherry Creek in the years before World War I: "Cherry Creek used to be something like a town. They had a restaurant, a warehouse, . . . and a police headquarters, court house, and doctor's office, and carpenter shop and blacksmith shop—[they had] everything."<sup>46</sup> "Everything" was at the sub-agency. It was where people went for their ration and lease money; it was where court was held; it was a place for visiting and keeping in touch with each other.

These patterns, established in the years prior to World War I, persisted through the 1920s. The tribal council continued to block congressional attempts to open more land or reduce their power. The Indian police and the tribal courts both functioned despite the influx of white settlers. County and state officials still had little interest in extending their jurisdiction to tribal members, and the Cheyenne River courts continued to be respected. (This situation was not affected by the 1924 citizenship act.<sup>47</sup>) Reservation day schools and the boss farmer system remained important measures of the tribe's separation from the state government. In all these areas, it was clear that the new reservation culture that had emerged at Cheyenne River would continue into the future.

Why did the Great Sioux Agreement, designed to "absorb" the four Lakota bands at Cheyenne River, fail? Why did this reservation—which was supposed to be a focus of government efforts to assimilate native people—remain an Indian preserve? The preceding discussion of events of the early twentieth century on the reservation has suggested some answers. The reservation became the setting for a new kind of culture, one that adopted certain non-Indian institutions but which used these to defend traditional values and goals. The reservation was a new environ-

45. See *U.S. v. Pearson*, 231 F. 270 (8th Cir. 1916), and Thomas J. King to Commissioner of Indian Affairs, 25 Mar. 1912.

46. Hoxie, "Jurisdiction on the Cheyenne River Indian Reservation," app. 12.

47. See Charles Burke to Charles D. Munro, 2 Mar. 1923, General Correspondence, Cheyenne River, File 173, RG 75, NA; and J. Henry Scattergood to W. F. Dickens, 11 Feb. 1932, General Correspondence, Cheyenne River, File 175, RG 75, NA.

ment for the people of Cheyenne River. It placed new restrictions on their activities and made new demands on them, and pressure from the outside world forced them back on themselves. As a result, they used many of the new reservation institutions as vehicles for self-defense and cultural survival. The tribal council, which the government had thought would be useful only when there was property to be sold or leases to be signed, became an effective force in the struggle to hold on to unallotted tribal lands. The courts and police system emerged as the only protection available against lawless homesteaders or errant fellow tribesmen. The schools—while bleak and often cruel—gave native children an alternative once they had been rejected by the white community. And the boss farmers, with all of their duties, created a focus for life in each district and served as a reminder of the kind of protection federal power could provide. All of these institutions—even though they were inventions of the government—were used to serve the interests of tribal members.

It would be incorrect to interpret this narrative as a simple defense of the Indian police or the tribal council or the BIA schools. For it is important to remember that each of these institutions was forced on the tribe. What is more, they benefited the tribe only because the people at Cheyenne River had rich traditions and a continuing loyalty to their culture. Those feelings of identity and strength, which overrode the horrors of the past, shaped the activities of those who were drawn to the new reservation institutions. The council opposed land openings, the policemen chased off cattle rustlers, and the people gathered at the subagencies because they never stopped feeling that they belonged to a special group and that they had an obligation to each other that was greater than the sum total of outside pressure. Thinking back to these early years, one of the tribe's oldest members recently recalled, "In 1912 they had a fair in Dupree [a town on the opened portion of the reservation] and I remember one white man, Congressman Henry L. Gandy, he said forty years from now there won't be no Indians. . . . He come near make it . . . But we Indians will be Indians all our lives, we never will be white men. We can talk and work and go to school like the white people but we're still Indians."<sup>48</sup> Beginning with that feeling, many of the people who participated in government-sponsored institutions worked to make those institutions serve

48. Interview with Olney Runs After, Cherry Creek, South Dakota, 25 Aug. 1977.

the interests of the group. Without a sense of identity within the tribe, these institutions might have served their original purpose. And the reverse is true: if the traditions had remained without the new institutions, they alone might not have succeeded in keeping the tribal culture alive. The Gamble bill would have passed, law and order would have vanished, and reservation life would have had no focus.

Every culture is constantly changing. Values and traditions may persist, but ways of life are never static. The creation of the Cheyenne River Reservation caused dramatic changes in the lives of the people who were forced to live there. But despite these upheavals, the culture of those people survived. Thus, we should view the early twentieth century not as a period of assimilation but as a time of rapid cultural change. The councilmen, the tribal judges, the policemen, and the rest were caught up in this process. They faced great pressures, but all through the crises they worked to maintain their culture rather than to surrender it. For this reason, the early history of the Cheyenne River Reservation should be understood not as a time of defeat and hopelessness but as a crucial period of adaptation and survival. Forced into a strange new world, these people used the tools available to them to protect and preserve the place they now call their homeland.



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