Indian Education for All

Bringing the Story of the Cheyenne People to the Children of Today

Northern Cheyenne Social Studies Units

Northern Cheyenne Curriculum Committee 2006

Ready ~ to ~ Go Grant

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LAME DEER SCHOOLS
NORTHERN CHEYENNE SOCIAL STUDIES CURRICULUM

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LAME DEER SCHOOLS
NORTHERN CHEYENNE SOCIAL STUDIES CURRICULUM

INTRODUCTION

The Northern Cheyenne Social Studies Curriculum was developed collaboratively by the Northern Cheyenne Curriculum Committee. Members of the committee included Lame Deer School staff and Northern Cheyenne community members.

Northern Cheyenne Curriculum Committee Members:
Steve Brady
Josephine Firecrow
Mabel Killsnight
Rachel Magpie
Bertha Other Bull
Ron Seminole
Douglas Spotted Eagle
Ann Taylor
Julie Cajune - Facilitator and Writer

The knowledge of the Northern Cheyenne participants included fluency in the Cheyenne language and a deep understanding of tribal history and contemporary tribal issues. Several of these participants hold positions in the school as classroom teachers and culture teachers. Their added knowledge of teaching and learning in a classroom setting and school culture contributed to a wealth of practical ideas for applying the essential content identified into a classroom and school-wide setting. Ann Taylor's classroom experience and years of experience in Lame Deer schools contributed important knowledge of school culture and institutional history. Lame Deer Schools are indebted to the willingness and commitment of this talented and knowledgeable group of people for creating a unique and historic document.

STATE AND LOCAL OBLIGATIONS FOR INDIAN EDUCATION

While every public school has an obligation and legal requirement to provide a quality and equitable education to all students, both state and federal government have acknowledged unique educational needs of Indian student populations. At a federal level, funding specific to these unique

educational needs has been provided through Johnson O'Malley funds and Title VII. At a state level, Montana has recognized not only the educational needs, but also the obligation to provide educational services in a culturally responsive manner. A detailed outline of the legal aspects of Indian Education in Montana is included in the appendix of this document.

This state obligation is articulated in Montana's 1972 Constitution, Article X, Section 1 (2):
"The state recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity."

This constitutional guarantee was applied in 1973 through the Indian Studies Law. This law required that all teachers on or near an Indian Reservation had to receive instruction in American Indian Studies. The law was later amended in 1979 to encourage, rather than require, teachers to take classes in American Indian Studies.

In 1999, the state's constitutional language was revisited in House Bill 528, which passed into law, becoming Montana Code Annotated 20-1-501, more commonly known as "Indian Education for All".
Recognition of American Indian cultural heritage-legislative intent.

(1) It is the constitutionally declared policy of this state to recognize the distinct and unique cultural heritage of American Indians and to be committed in its educational goals to the preservation of their cultural heritage.

(2) It is the intent of the legislature that in accordance with Article X, section 1(2), of the Montana constitution:

(a) every Montanan, whether Indian or non-Indian, be encouraged to learn about the distinct and unique heritage of American Indians in a culturally responsive manner; and

(b) every educational agency and all educational personnel will work cooperatively with Montana tribes or those tribes that are in close proximity, when providing instruction or when implementing an educational goal or adopting a rule related to the education of each Montana citizen, to include information specific to the cultural heritage and contemporary contributions of American Indians, with particular emphasis on Montana Indian tribal groups and governments.

(3) It is also the intent of this part, predicated on the belief that all school personnel should have an understanding and awareness of Indian tribes to help them relate effectively with Indian students

and parents, that educational personnel provide means by which school personnel will gain an understanding of an appreciation for the American Indian people.

CURRICULUM GOALS

The main objective of the curriculum is to give students throughout Montana the opportunity to learn "Northern Cheyenne history" in a culturally responsive manner. This tribal history is a significant part of U.S. History and the state history of Montana. To teach either of those histories void of tribal history is to provide an incomplete, inaccurate and abbreviated story of America and our state.

The Northern Cheyenne Social Studies Curriculum will also provide significant assistance to Lame Deer Schools in fulfilling the mandate of "Indian Education for All." It is anticipated that this curriculum project can provide educational opportunities for Lame Deer School staff to learn about Northern Cheyenne History, Government, Culture and Contemporary Issues. It was a shared understanding of the Northern Cheyenne Curriculum Committee that knowledge of the students, family and reservation is imperative to establishing a culturally responsive school climate and classroom.

THE CURRICULUM FRAMEWORK

The Northern Cheyenne Curriculum Committee identified eight Core Understandings of Cheyenne Culture, History, Government, and Contemporary Issues. These eight Core Understandings do not encompass everything there is to know about the Cheyenne People. They identify the basic knowledge that students should acquire throughout their K-12 education in Montana. The Core Understandings were articulated as an outline of fundamental content that all people living in the state of Montana should know about the Northern Cheyenne People.

Each Core Understanding has a list of learning objectives that will facilitate student comprehension and guide teacher instruction. Learning Benchmarks are identified for grades 4, 8 and 11. Congruence with Montana State Social Studies Content Standards and OPI Essential Understandings Regarding Montana Indians are outlined in a matrix at the end of the document.

Model lessons, spanning grades 1-12, and highlighting all eight Core Understandings are included as examples and beginning points for classroom teachers. Each lesson identifies the Core Understanding, Montana State Social Studies Content Standard, and Essential

Understanding Regarding Montana Indians that the lesson addresses. The lesson format includes "best practice" teaching strategies, and most lessons are self-contained - that is they include all of the support materials necessary for immediate use.

IMPLEMENTATION-THREE KEY COMPONENTS

Specific content materials will need to be identified and purchased, and some material will need to be locally developed. Authentic content is paramount to successful implementation of the curriculum.

Staff development is the second key component of implementation. School staff will need the opportunity to review the curriculum and try some of the lessons. Teachers will also need opportunities to gain content background through appropriate in-service offerings. Linking teachers and community members with essential content knowledge could lead to development of additional lessons and activities.

The third component of implementation is administrative support. Teachers will follow the lead of administration. If expectations are set for implementation, the curriculum will be used.

NORTHERN CHEYENNE CURRICULUM COMMITTEE RECOMMENDATIONS (for schools on or near the Northern Cheyenne Reservation:

While the focus of the committee's work was to identify essential knowledge that students should understand about the Northern Cheyenne people, a number of practical ideas emerged to enhance and complement what will be taught in individual classrooms. These ideas were formulated into the following list of recommendations for school-wide activities and implementation:

Incorporate Cheyenne language and songs into daily school activities to enhance the school climate for students and their families. Specific suggestions include:

- Incorporate the Cheyenne language and important tribal dates into the annual school calendar

- Name buildings, hallways, and classrooms with significant Cheyenne names

- Utilize the Cheyenne flag song with the school intercom system

- Utilize other Cheyenne songs and phrases with the school intercom system

- Display tribal flags throughout the school and outside of the school along with the U.S. and Montana State flag

Provide an orientation to Cheyenne history and culture at the beginning of each school year during the PIR days.

Provide staff development for implementation and further lesson design of the Northern Cheyenne Social Studies Curriculum.

Increase the length of instructional time of the Native American Studies classes taught by the Culture and Language teachers.

Develop an advisory committee of cultural consultants from the community.

Commit to hiring gender-balanced staff in recognition and honor of the traditional Cheyenne practice of gender specific instruction.

LAME DEER SCHOOLS
NORTHERN CHEYENNE SOCIAL STUDIES CURRICULUM

Core Understandings, Learning Objectives, and Benchmarks of
Northern Cheyenne History, Government,
Culture, and Contemporary Issues

Core Understanding 1 - The Cheyenne are made up of two distinct groups of people, the Tsetsehestesahase and the So'taae'o.

Core Understanding 2 - Cheyenne geography spans territories ranging from the Great Lakes area to Texas and Montana.

Core Understanding 3 - The Cheyenne people, through their language and culture, have been a sovereign nation from time immemorial.

Core Understanding 4 - The United States treaty period and federal policy periods adversely impacted every aspect of Cheyenne existence.

Core Understanding 5 - Cheyenne history, during the 1700 - 1800's, was characterized by intense change, including the westward movement, acquisition of the horse, disease, invasion, massacres and battles. Living during this time was heroic.

Core Understanding 6 - Traditional governance continues today within the community and within contemporary tribal government, as organized under the Indian Reorganization Act. Additionally, Federal law recognizes traditional Cheyenne customs and governance.

Core Understanding 7 - Contemporary Cheyenne society reflects traditional knowledge, culture, values, roles and relationships between men and women, within families, and among the community.

Core Understanding 8 - Contemporary issues affecting the Cheyenne today have historic contexts.

Northern Cheyenne Social Studies Core Understanding 1

The Cheyenne are made up of two distinct groups of people.

Learning Objectives

a. Tribal names for the two groups making up the Cheyenne are So'taae'o and Tsetsehestesahase. Each group has their own sacred covenants, teachings and language. These are a core part of their identity.

b. These two groups of people further divided into 10 smaller bands. The bands lived and traveled in different areas, largely due to economics.

c. Following is a partial list of the band names. Some of the band names were lost as the people were either killed by epidemic disease or during the Indian Wars.

Aorta Ridgemen Hair Rope Northern Eaters
Sand Hill Scabby Band White River

d. The Cheyenne people had several distinct times of uniting and separating and people traveled between bands.

e. The Northern and Southern Cheyenne people maintain social, cultural, and spiritual connections. Following history and tradition, they continue to come together for specific events and activities.

Benchmarks

End of Grade 4	End of Grade 8	End of Grade 12
Students will identify the two groups of people that make up the Cheyenne nation.	Students can retell the oral history of the Cheyenne meeting on the Missouri River.	Students will compare and contrast the covenants and beliefs of the So'taae'o and Tsetsehestesahase.
Students will locate the reservation of the Northern Cheyenne and the allotments of the Southern Cheyenne on a map.	Students will identify unique covenants and teachings of each group.	Students will explain the influences that caused the separating and uniting of the Cheyenne bands.
Students will name several leaders from each group.	Students will be able to say and spell the two names for the Cheyenne.	Students will be able to list the band names that remain today.
	Students will identify specific events or activities that bring the Northern and Southern Cheyenne together.	Students will give a definition of the concept of tribal identity.

Northern Cheyenne Social Studies Core Understanding 2

Cheyenne geography spans landscapes ranging from the Great Lakes area to Texas and Montana.

Learning Objectives

a. Traditional Cheyenne homelands were around the Great lakes area.
b. The Cheyenne migrated west from their original homeland.
c. The Cheyenne economy changed from fishing and agriculture to buffalo as their geographic location changed.
d. Cheyenne lands were identified in treaties.
e. Invasion from the westward movements of settlers and tribes, acquisition of the horse and buffalo economy contributed to the varied locations and movements of smaller Cheyenne bands.
f. Significant and sacred sites of the Cheyenne people are located in Montana, South Dakota and other states.
g. There are Cheyenne names for geographic landforms that predate the English names of mountains, rivers, etc.
h. Land status of the reservation includes original allotments, communal tribal lands and non-Indian owned fee patent land.

Benchmarks

End of Grade 4	End of Grade 8	End of Grade 12
Students can identify the reservation on a state map. Students can locate geographic features and historic landmarks on the reservation. Students can name an earlier location of the Cheyenne.	Students can replicate and name bilingually the geographic features and historic landmarks of the reservation on a map. Students can create a migration map of the Cheyenne from the east to the west. Students can describe and locate significant Cheyenne sites outside of the reservation and Montana.	Students can explain the historic movement of the Cheyenne chronologically. Students can interpret the changing band locations and times of uniting and separating. Students can identify the types of land status on the reservation.

Northern Cheyenne Social Studies Core Understanding 3

The Cheyenne People have been a sovereign nation through their language and culture from time immemorial.

Learning Objectives

a. The Cheyenne People had an effective traditional system of self-governance.
b. Traditional Governance included the Council of 44 (Council of Chiefs) and Societies.
c. Sweet Medicine taught the Council of 44, societies and laws to the Cheyenne People.
d. Sweet Medicine predicted many events that would affect the Cheyenne People.
e. Societies were predominantly male, including the important military societies. Societies were responsible for the protection of women and children.
f. There were sister societies and male and female societies had specific functions and roles, reflecting the cultural and spiritual roles of men and women.
g. Traditional Cheyenne government can be characterized as a theocracy and a democracy.
h. Leadership in traditional Cheyenne society was both hereditary and individual.
i. Contemporary Cheyenne governance is integrated with traditional structures.

Benchmarks

End of Grade 4	End of Grade 8	End of Grade 12
Students will recognize the difference between traditional and contemporary governmental structures of the Cheyenne. Students will identify leaders in traditional and contemporary Cheyenne governments. Students will describe several tribal ordinances. Students will know the location of offices of the tribal government and tribal organization.	Students will compare and contrast traditional and contemporary governmental structures of the Cheyenne. Students will describe the qualities of leadership with examples from the past and present. Students will explain the process of passing a tribal ordinance. Students will analyze specific components of the tribal constitution.	Students will explain the spiritual origins of traditional Cheyenne governance. Students will relate the events that led to writing the tribal constitution. Students will analyze the status of sovereignty of the Cheyenne from ancient times to present. Students will describe the roles of men and women in Cheyenne societies and government.

Northern Cheyenne Social Studies Core Understanding 4

The United States treaty period and federal policy periods adversely impacted every aspect of Cheyenne existence.

Learning Objectives

a. The first treaty between the Cheyenne and the United States was the Friendship Treaty of 1825. Subsequent treaties involved the Cheyenne in 1851, 1855, 1861, 1867 and 1868.
b. The second Fort Laramie Treaty of 1868 recognized the Northern Cheyenne as a distinct group and identified arrangements for them to share a land base with the Brule Sioux, with whom they were allied.
c. The Northern Cheyenne Reservation was created by the Executive Order in 1884, as they were considered a "non-treaty" tribe. A second Executive Order in 1900 expanded the reservation boundary to the middle of the Tongue River.
d. The Marshall Trilogy of cases forever impacted the Cheyenne and all other tribes.
e. The Bureau of Indian Affairs was created to deal with the "Indian problem". The BIA initiated the federal policy period of Indian Affairs.
f. Tribal customs and ceremonies were outlawed and spiritual practices essential to Cheyenne existence were criminalized.
g. The Boarding School period impacted individuals, families and generations of Northern Cheyenne people adversely.

Benchmarks

End of Grade 4	End of Grade 8	End of Grade 12
Students will provide a simple definition of the word "treaty". Students will identify the location of the "spiritual home" of the Cheyenne. Students will identify decision makers of the Cheyenne. Students will describe two land conflicts between the Cheyenne & U.S. government.	Students will evaluate the economic changes of the shifting Cheyenne land base. Students will relate a chronology of Cheyenne lands from 1835 up to 1884. Students will provide a dictionary definition of the word "treaty". Students will list all of the treaties involving the Cheyenne. Students will describe the role of the Bureau of Indian Affairs.	Students will analyze the U.S. Constitution and distinguish the two significant clauses that related to Indian tribes. Students will identify the impact of Marshall's characterization of tribes as "domestic dependent nations". Students will understand the canons of treaty construction and define and "Executive Order". Students will analyze the impacts of federal policies on the Northern Cheyenne.

Northern Cheyenne Social Studies Core Understanding 5

Cheyenne history, during the 1700-1800's, was characterized by intense change, including the westward movement, acquisition of the horse, disease, invasion, massacres and battles. Living during this time was heroic.

Learning Objectives

a. The westward movement of settlers compacted tribes, causing intense inter-tribal wars during the 1700-1800's. The Cheyenne endured displacement and forced relocation.
b. Introduction of the horse created a significant Cheyenne horse culture.
c. Cholera and smallpox decimated Cheyenne bands.
d. The primary food supply (bison) of the Cheyenne was intentionally wiped out.
e. The Gold Rush invasion of Cheyenne lands impacted the tribe's ability to move within their own territory.
f. The Sand Creek Massacre took place in 1864.
g. The Black Hills invasion in 1874.
h. The Battle of the Little Big Horn.
i. The Fort Robinson Outbreak.

Benchmarks

End of Grade 4	End of Grade 8	End of Grade 12
Students will identify two areas outside of Montana that the Cheyenne occupied. Students will name two important battles involving the Cheyenne. Students will list basic facts relative to Sand Creek and Fort Robinson. Students will identify and describe four important Cheyenne people of this time period. Students will describe how horses impacted the Cheyenne.	Students will explain the consequence of tribal population loss due to disease. Students will describe the horse culture of the Cheyenne. Students will describe the difference between a battle and a massacre. Students will explain the challenges facing the Cheyenne leaders during this time period and name 10 of them.	Students will outline cause and effect relating to military conflicts between Cheyenne and the U.S. government. Students will analyze decisions of the Cheyenne leaders facing military conflict. Students will identify and describe 20 Cheyenne leaders and characterize their leadership. Students will describe the legacy of Sand Creek, The Battle of the Little Big Horn, Fort Robinson Outbreak, etc.

Northern Cheyenne Social Studies Core Understanding 6

Traditional governance continues within the community and within contemporary tribal government, as organized under the Indian Reorganization Act.

Learning Objectives

a. The balance of power shifted between the Council of Chiefs and Societies.
b. The Northern Cheyenne Tribal Constitution Corporate Charter and By-Laws were ratified in 1935 as part of organizing under the Indian Reorganization Act.
c. The Indian Reorganization Act allowed tribes to regain unallotted lands and decriminalized tribal customs.
d. The Northern Cheyenne Constitution defined the Tribal Council as one representative per 100 tribal members. In 1960 the constitution was amended to one representative for every 200 people. This changed again to 10 council representatives elected from districts.
e. Within the oral history of the Northern Cheyenne it is told that the Tribal Constitution was to undergo a trial period of 50 years, at which time it would be evaluated to determine if it was meeting the needs of the tribe.
f. There are numerous allowances for Secretary of Interior and Bureau of Indian Affairs Superintendent approval of tribal business within the Northern Cheyenne Constitution.
g. Federal policy and legislation continues to impact tribal sovereignty and self-governance as evidenced by the Major Crimes Act.

Benchmarks

End of Grade 4	End of Grade 8	End of Grade 12
Students will identify a community leader. Students will explain the names and duties of traditional leaders. Students will explore different decision-making strategies. Students will explain a simple definition of the word “constitution”.	Students will compare and contrast traditional and contemporary leadership roles. Students will identify Cheyenne values that persist in contemporary government. Students will outline the basic structure and rules of the Northern Cheyenne Constitution.	Students will characterize traditional and contemporary forms of Cheyenne government. Students will summarize the key guiding principles of the Northern Cheyenne constitution. Students will understand federal policy and legislation as it impacts Cheyenne sovereignty today through precedent cases.

Northern Cheyenne Social Studies Core Understanding 7

Contemporary Cheyenne society reflects traditional knowledge, culture, values, roles and relationships between men and women, within families, and among the community.

Learning Objectives

a. The father's side of the family is the bloodline for children.
b. A Cheyenne woman is sacred.
c. There is a balance between men and women. Men must do specific teachings, as women do others. Men and women societies continue today.
d. In the Cheyenne way, the children come first.
e. The grandparents, following Cheyenne tradition, raise the first grandchild.
f. Storytelling remains a significant teaching tradition among the Cheyenne people. Cultural protocol required storytelling to be done only at night. The protocol has been adapted to prevent the stories from being lost.
g. People also used songs to inform and instruct.
h. The role of a Camp Crier continues today as people are selected for the responsibility and earn the right through the Lone Tipi preparation ceremony for the Sundance.

Benchmarks

End of Grade 4	End of Grade 8	End of Grade 12
Students will be familiar with Cheyenne kinship terms. Students will explain traditional family systems. Students will explore the role of storytelling as a tool of instruction. Students will recognize the Cheyenne flag song. Students will be familiar with the traditional camp circle. Students will describe how Traditional names are given.	Students will compare and contrast traditional and contemporary Cheyenne family systems. Students will relate two significant Cheyenne oral stories. Students will recognize and learn two Cheyenne songs. Students will describe the importance of traditional names. Students will identify specific cultural roles in traditional Cheyenne societies.	Students will identify uses for traditional knowledge in contemporary society. Students will explain the role of Cheyenne grandparents and what has changed and what has stayed the same. Students will examine cultural leadership on the Northern Cheyenne reservation. Students will analyze gender specific teachings. Students will describe their responsibility in culture & language preservation.

Northern Cheyenne Social Studies Core Understanding 8

Contemporary issues affecting the Cheyenne today have historic contexts.

Learning Objectives

a. The land base of the reservation.
b. Impacts of the Northern Cheyenne Allotment Act of 1926.
c. Hollow Breast Case involving the tribal suit of individual tribal members of mineral rights.
d. Sacred Site Protection and the Bear Butte Claim.
e. Cultural resource protection and the Native American Graves and Repatriation Act.
f. Fort Laramie Settlement.
g. The pending Cobell lawsuit revealing Bureau of Indian Affairs historic mishandling of tribal resources.
h. Educational achievement framed within the historic educational experiences of the Cheyenne people.
i. Minimal private enterprise on the reservation.
j. Mining on and near the reservation.
k. Natural resources on the reservation.

Benchmarks

End of Grade 4	End of Grade 8	End of Grade 12
Students will explain the term "reservation". Students will describe one sacred site off the reservation. Students will explore changes in educational experiences of and opportunities for the Cheyenne. Students will identify employment opportunities on the reservation.	Students will explore land status of the reservation. Students will compare individual and tribal land rights of trust property. Students will define trust property and fee patent property. Students will identify the role of the Bureau of Indian Affairs. Students will identify economic opportunities for the Tribal organization.	Students will explain a chronology of claims and settlements of the Northern Cheyenne Tribe. Students will recognize the significance of the Hollow Breast Case. Students will explain the application of the pending Cobell lawsuit to the Northern Cheyenne. Students will analyze the cultural, economic and political contexts of water rights, energy development, education, etc.

Lame Deer Schools
Northern Cheyenne Social Studies Curriculum

Glossary for Lesson Content

Allotment - refers to the General Allotment Act (Dawes Act) of 1887, which divided up communal tribal lands by assigning parcels of land to individual tribal members. Parcels generally were in 40, 80 or 160 acre parcels. The Northern Cheyenne reservation was allotted in 1926 under the Northern Cheyenne Allotment Act.

Acculturation - modification of the culture of one or more peoples or of an individual through continuous and prolonged contact with an alien people.

American Indian Religious Freedom Act - a 1978 act setting the policy of the United states to protect and preserve the inherent right and freedom to believe, express and exercise the traditional religions of the American Indian, Eskimo, Aleut and Native Hawaiians including, but not limited to, access to sites, possession of sacred objects, and freedom to worship through ceremonials and traditional rites.

Assimilation - the process of changing the culture and identity of a person or group of people to the dominant culture.

Band - a smaller group or unit of a tribe. The Cheyenne consisted of approximately 10 bands that traveled independently of one another. There was travel between and amongst bands, and at times all of the bands came together.

Bureau of Indian Affairs - In 1806 in the War Department there was a position titled Superintendent of Indian Trade. In 1824, Secretary of War John C. Calhoun created the Bureau of Indian Affairs within the War Department. This was done without authorization from Congress. In 1849, the Bureau of Indian Affairs was transferred from the War Department to the Department of the Interior. The Bureau of Indian Affairs has the responsibility of administration and management of 55.7 million acres of land held in trust by the United States for American Indians. The Bureau of Indian Affairs is one of the oldest agencies within the United States.

Chiefs - traditional leaders of the Cheyenne. These positions came about through the teachings of Sweet Medicine.

Clan - a cultural group of people within a tribe with specific responsibilities and relationships among their clan members and to members of other clans.

Constitution - the basic principles and laws of a nation, state or group that determine the powers and duties of the government and guarantee certain rights to the people. The Northern Cheyenne Constitution and Bylaws were adopted in 1935, using a "boiler plate" model provided by the federal government. The constitution was amended in 1960 and 1996.

Council of 44 - the traditional chiefs that were responsible for governing and managing the Cheyenne people. These positions and roles were taught by Sweet Medicine.

Democracy - a government by the people; a government in which the supreme power is vested in the people and exercised by them directly or indirectly through representation.

Executive Order - a process through which some reservations were created by Presidential Executive Order. The Northern Cheyenne Reservation is an executive order reservation.

Fee Land - referring to fee simple or fee patent land - this is the most basic form of land ownership. The owner holds title and control of the property. The owner may make decisions about most common land use without government oversight.

Government - the exercise of authority over a political unit; the organization, machinery or agency through which a political unit exercises authority and performs functions.

Indian Child Welfare Act (ICWA) - a 1978 federal law that protects Indian children and preserves the integrity of Indian tribes by restricting state courts' powers to place Indian children in non parental custody, whether the placement is voluntary or involuntary on the part of the parents. The most important provision of the ICWA is the determination of jurisdiction in child custody proceedings.

Indian Reorganization Act - also known as the Wheeler-Howard Act of 1934, this legislation sought to protect the land base of tribes, and to permit the tribes to set up legal structures designed to aid in self-government. Perhaps the most important and effective provision of the Indian Reorganization Act was that which ended the practice of allotment and extended indefinitely the trust period for existing allotments still in trust. The Act also authorized the Secretary of Interior to restore to tribal ownership any "surplus" lands acquired from tribes under the Allotment Act. The Act authorized tribes to organize and adopt constitutions and by-laws.

Jurisdiction - the power, right or authority to interpret and apply the law; the limits or territory within which authority may be exercised.

Native American Graves and Repatriation Act (NAGRPA) - a federal law passed in 1990 requiring Native American cultural items and human remains to be returned to their respective peoples.

Ordinance - an authoritative decree; a law enacted by governmental authority; a regulation.

Referendum - the principle or practice of submitting to popular vote a measure proposed or passed on by a legislative body or by popular initiative.

Relocation - 1952 legislation creating a policy to relocate Indian people to urban areas. This was part of the termination policy of the U.S. government, which was designed to totally assimilate American Indians into American society.

Resolution - a formal expression of the opinion, will, or intent of an official body (Tribal council).

Secretarial election - an election held within a tribe pursuant to regulations prescribed by the Secretary of the Interiors authorized by federal statute.

Societies - religious organizations that manage specific military, social, political, and cultural functions and activities of a tribe; military societies of the Cheyenne were taught by Sweet Medicine.

Sovereignty - the birthright of a people who share a common culture,language, value stem, and land base to exercise control over their lands,
their lives and their future, independent of other nations; the right to self-governance, self-definition, and self-education; politically independent; the
inherent power to self-govern. “The inherent right of the Cheyenne to their way of life, identity, language, land, loyalty to tribe, tribal government, tribal membership, tribal ownership of a land base: tse’ mahao’ esthea’en tse hes mena’o’e yse nema’o ‘ ehne’ ane.”

Supremacy Clause - the section in the United States Constitution that states that Treaty Law is the Supreme Law of the Land. Consequently, tribes are then NOT subject to state jurisdiction.

Tradition - information, beliefs, and customs handed down from one generation to another.

Theocracy - government of officials as regarded as divinely guided.

Time Immemorial - relating to the beginnings of human time, particularly related to tribal creation stories; this concept is recognized as it pertains to original inhabitants and original users of natural resources such as water.

Treaty - a contract between two or more sovereigns.

Trust Property - referring to Indian-owned land, the title to which is held in trust and protected by the federal government.

Trust Responsibility - the moral and political obligation of the United States to federally recognize tribes. This relationship contributes to the unique legal posture of the tribes, as its historical origins indicate.

Lame Deer Schools
Northern Cheyenne Social Studies
Recommended Grade Level Content

Curriculum Content

This curriculum document was developed by the Northern Cheyenne Curriculum Committee. Members of the committee are Steve Brady, Jason Carr, Josephine Firecrow, Mabel Killsnight, Richard Littlebear, Rachel Magpie, Bertha Other Bull, Douglas Spotted Eagle and Ann Taylor. This document was created to support and encourage the implementation of the Northern Cheyenne Social Studies Curriculum. Grade level topics and concepts were identified to provide more specific direction for the classroom teacher. Committee members also identified a variety of resources to enhance lesson development and classroom instruction.

The Northern Cheyenne community holds a wealth of resources for the Lame Deer Schools. Many community members have extensive knowledge of both tribal oral histories and literatures. Throughout the development of this document, many stories relating historic events or explaining traditional knowledge or cultural practices were conveyed. These stories provide a significant starting point for many of the Social Studies topics and concepts identified. The stories that have been documented either through writing or film should become part of the core learning materials utilized to teach this curriculum. Those stories that remain undocumented should be gathered with the utmost respect and care for both their value to young people today, and for their link in the collective memory of the Cheyenne people. Wherever possible, this document references these key narratives. Dr. Littlebear shared a variety of Cheyenne stories and related materials that were developed through an earlier grant. Permission was given to the school to copy these materials, and upon completion of this task, they should become a part of this recommended grade level content. Language Arts materials developed by the Northwest Regional Educational Laboratory (NWREL) are referenced for use at the elementary levels. These texts are available free through a link on OPI's website.

Two essential texts serve as the content anchor for the topics identified throughout this curriculum. *A History of the Cheyenne People* by Tom Weist and *People of the Sacred Mountain* by Peter Powell can provide the classroom teacher the information necessary to integrate the recommended content topics. *A History of the Cheyenne People* is accessible to high school students and could serve as a supplemental text for United States History courses. The law firm, Ziontz, Chesnut, Varnell, Berley & Slonim, provided a chronological outline of treaties, federal legislation, and court decisions related to the Northern Cheyenne. Components of this outline were included in both the high school Government Course and the United States History

course. To assist the classroom teacher in utilizing these primary documents, the Northern Cheyenne Curriculum Committee is working to have written summaries developed for each item. The documents themselves are inherently valuable in allowing students to read and analyze primary documents significant to the Northern Cheyenne.

Lame Deer Schools
Northern Cheyenne Social Studies Model Lesson

Lesson Title
Living Stories

Grade Level
First Grade

Time
One Class Period

Lesson summary
Students experience cultural protocols of storytelling through simulation and demonstration.

Core Learning 7
Contemporary Cheyenne society reflects traditional knowledge, values, roles and relationships between men and women, within families, and among the community.

Montana Social Studies Content Standard 6
Students demonstrate an understanding of the impact of human interaction and cultural diversity on societies.

Essential Understanding 3
The ideologies of Native American traditional beliefs and spirituality persist into modern life as tribal cultures, traditions, and languages are still practiced by many American Indian people and are incorporated into how tribes govern and manage their own affairs.

Materials
Star patterns for ceiling and walls, paper for windows if necessary, *Race with Buffalo,* and the story from Indian Reading Series, *Philene and Buttons,* or other stories recorded by community, student book template.

Engagement
Cover windows with paper, put "stars" on ceiling and wall, and turn lights off to simulate night time in the classroom. Tell students that long ago the Cheyenne only told stories at night, but today they are telling them during the day when students are at school to keep the stories alive.

Share the different uses for stories – teaching, explaining natural phenomena, relating historical events, etc.

Exploration
It is best to memorize a story and tell it orally rather than reading it if at all possible. Share the story *The Great Race* with the class.

Share the story of *Philene and Buttons* with the class. Ask students what is different about the two stories.

Explanation
Ask students what everybody wanted in *The Great Race.*
Ask students why they think everybody wanted to be the "chief of all the animals."
Ask students how Philene learned to ride and take care of her horse.
Ask students to think of something their parents, aunts, uncles, or grandparents helped them learn to do.
Ask students to think of something that they like to do by themselves or with their family.
Give students storyboards and have them draw pictures of the things they like to do by themselves or with their families.
Give students book templates and have them make a book of what they like to do, using their storyboard as a guide.

Elaboration
Invite an elder or community member to tell a story to the class.

Give students a book template to take home and create with their family.

Race with Buffalo

Cheyenne

Race with Buffalo

A Story of the Cheyenne of the Great Plains

There was a time when all the animals lived in peace, when no one ate anyone else. All the animals were the same color, because they had not yet painted their faces.

Buffalo was the largest and strongest of the animals, and he was getting hungry. He wanted to be the chief of all the animals. He wanted to draw strength from all the other animals by eating their flesh. Buffalo wanted to become the eater of all the animals.

The Human People also said that they should become the chief of all the animals. People wanted to draw strength from all the other animals by eating their flesh. People wanted to become the eaters of all the other animals.

Buffalo challenged the Human People to a race, the winner of the race would become the chief of all the animals. The People said that they would accept such a challenge, but since buffaloes have four legs and People have only two, the People claimed the right to have another animal run the race in the People's place. The buffaloes consented.

The People chose the Bird People to represent them in the race. They chose Hummingbird, Meadowlark, Hawk, and Magpie. All the other animals and birds wanted to join the race, too, each of them thinking that just maybe they too had a chance to become chief of all the animals. All the animals took paint and painted their faces for the race, each according to his or her spiritual vision.

Skunk painted a white stripe on himself as his symbol for the race. Antelope painted himself the color of the earth for the race. Raccoon painted black circles around his eyes and around his tail. Robin painted herself brown with a red breastplate.

The race was to be held at the edge of the Black Hills at the place known as the Buffalo Gap. The competitors would race from the starting line sticks to the turn around stick and then back to the starting line. All the animals, painted according to their vision, lined up between the sticks. Among the animals were the Bird People, who would run the race with their wings for the Human People, and Runs Slender Buffalo, the fastest runner of all the buffaloes.

The cry was given to begin and all the animals and birds set out on the race. Hummingbird took the lead, ahead of Runs Slender Buffalo, but his wings were so small that he soon fell behind. As the animals neared the turn around stick, Runs Slender Buffalo took the lead. Then Meadowlark came up beside Runs Slender Buffalo, and the two went along side by side right into the turn. Runs Slender Buffalo wheeled around the stick, her hooves thundering, and she pulled away from Meadowlark, who went wide to make the turn.

The animals in the lead passed the late runners who were still headed for the stick. Meadowlark fell behind and cheered on Hawk as he passed her. Hawk gained on Run Slender Buffalo, and it looked like he might pass her. Her heart was pounding and her legs were tiring. But Hawk's wings were tiring also, and he soon fell behind.

Runs Slender Buffalo was nearing the finish line as the winner. It looked like the Buffalo People would become the eaters of all the animals!

Then, behind the buffalo woman, wings beating steadily, came Magpie. She was not a quick starter, but her wingbeats were hard and true. Her heart was strong. Her eyes did not wander from the finish line. She never looked back. Her wings were wide and she drove herself forward with beat after beat after beat. All the other animals had fallen behind. Runs Slender Buffalo looked over at the magpie, but the magpie never looked away from the starting sticks.

With each beat of her wings she moved past Runs Slender Buffalo by no more then the length of her bill. At the starting sticks, many animals began to line up to watch the finish. Raccoon, who had fallen out of the race early, had returned to the starting sticks. Now he stood up between the sticks and put out his little hands for the runners to touch as they passed. He would feel the touch of whoever was in the lead, and turn toward the winner.

Closer and closer came Runs Slender Buffalo, and some of the animals feared Raccoon would be trampled. Magpie gradually flew nearer to the ground so she could brush Raccoon's little hands as she flew past. Raccoon did not move, but stared straight as the onrushing pair. Magpie seemed to be pulling ahead. Runs Slender Buffalo leaned forward as she ran to touch Raccoon's hand with her great nose.

Magpie's wingtip touched Raccoon's little hand had and he turned toward her an instant before Runs Slender Buffalo thundered past and he was surrounded by a great cloud of dust. All the animals waited breathlessly for the dust to settle. At last, there stood Raccoon with his little hand raised toward the path of Magpie.

The Human People had won the race!

The Buffalo wandered the Great Plains and ate grass and the people became the great hunters, the chief of all animals.

Philene and Buttons

The Indian Reading Series

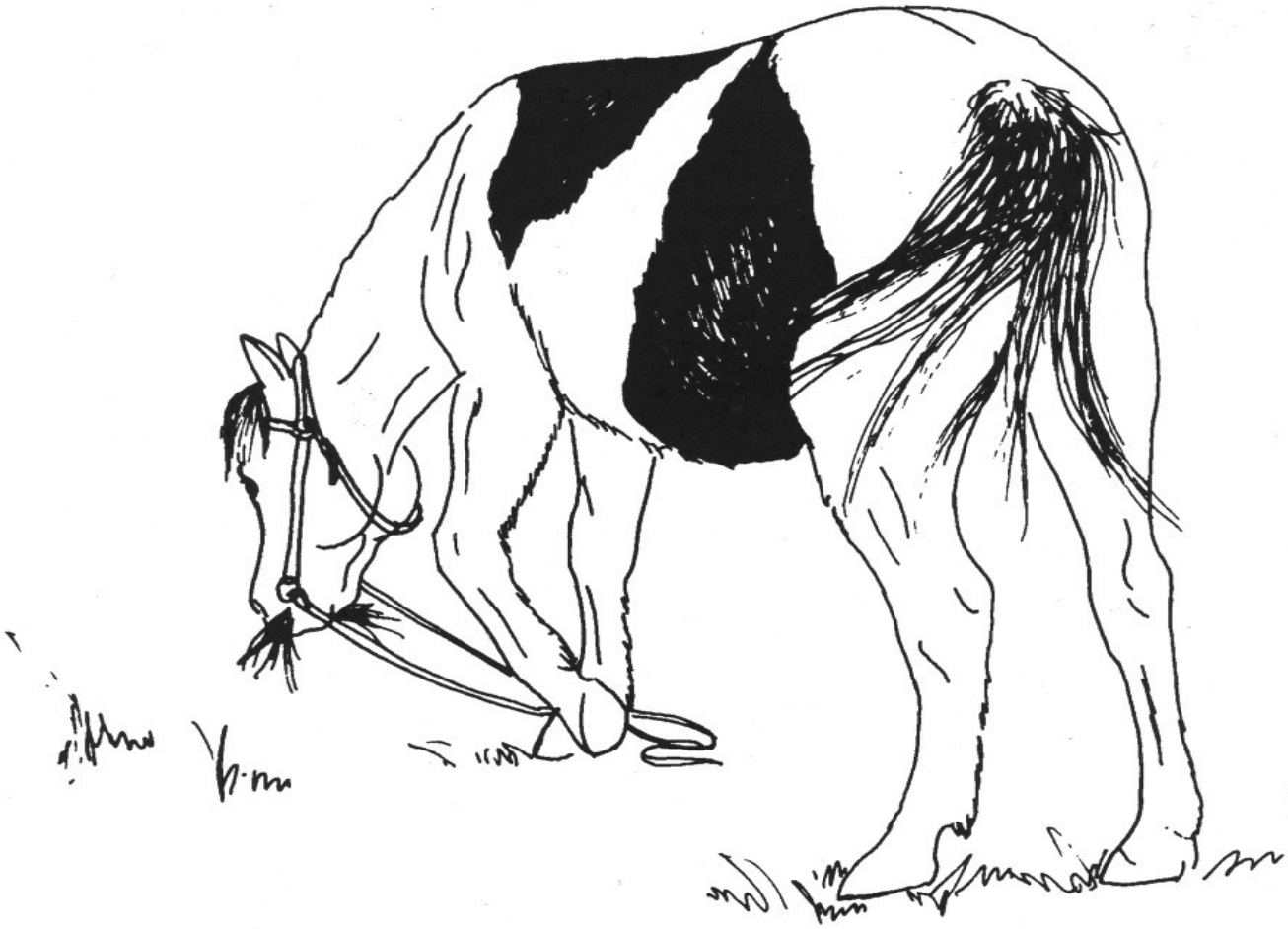
Level I Book 4

THE INDIAN READING SERIES: Stories and Legends of the Northwest **is a collection of authentic material cooperatively developed by Indian people from twelve reservations. Development activities are guided by a Policy Board which represents the Indian community of the Pacific Northwest. The Pacific Northwest Indian Reading and Language Development Program Policy Board members are:**

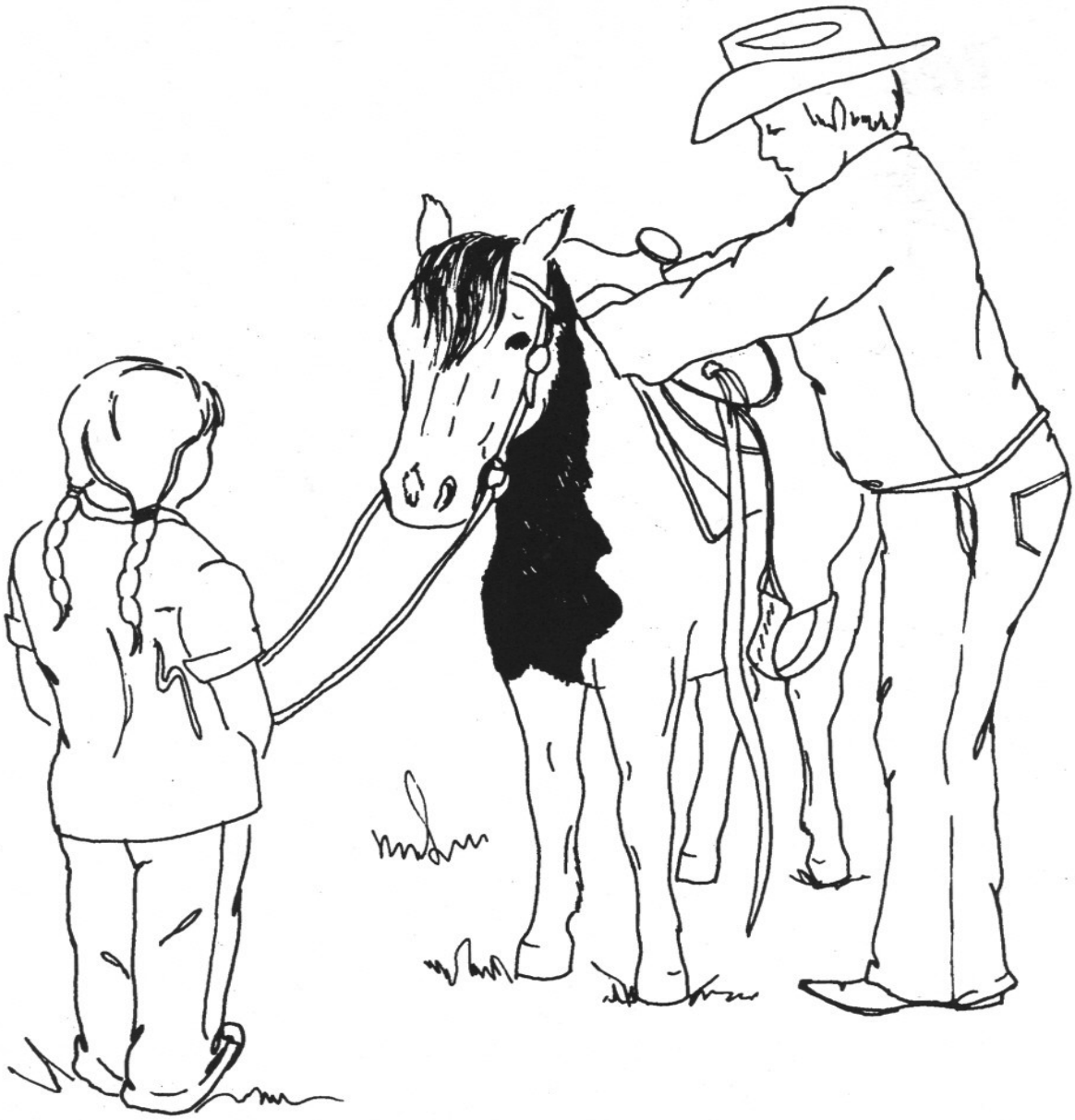
- **Warren Clements — Warm Springs**
  Chairman
- **Morrie Jimenez — Klamath**
- **Joan Kennerly — Blackfeet**
- **Walter Moffett — Nez Perce**
- **Emmett Oliver — Quinault**
- **Bob Parsley — Chippewa**
- **Lloyd Smith — Warm Springs**
- **Max Snow**
- **Jeanne Thomas — Yakima**

This story is about a Northern Cheyenne Indian girl named Philene and her horse named Buttons.

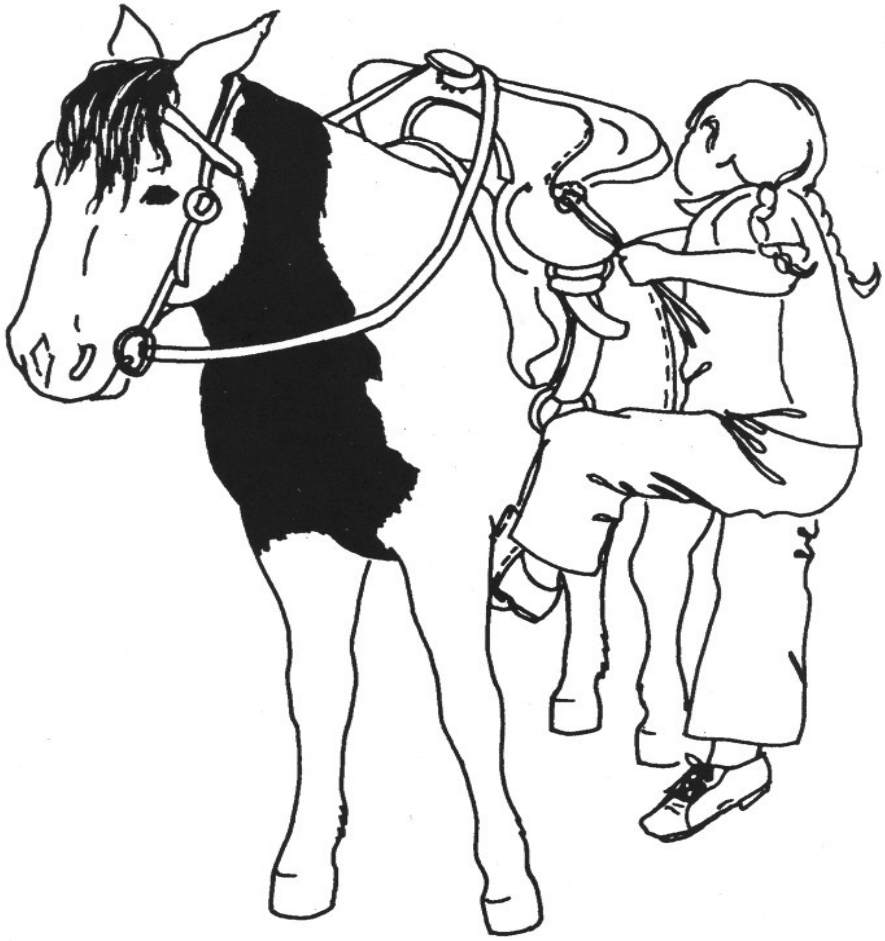
My name is Philene.
I like to do many things.
One of the things I like to do most
is ride my horse.



The name of my horse is Buttons.
Buttons is black and white.
My horse is pretty and fun to ride.
Buttons is a gentle horse.

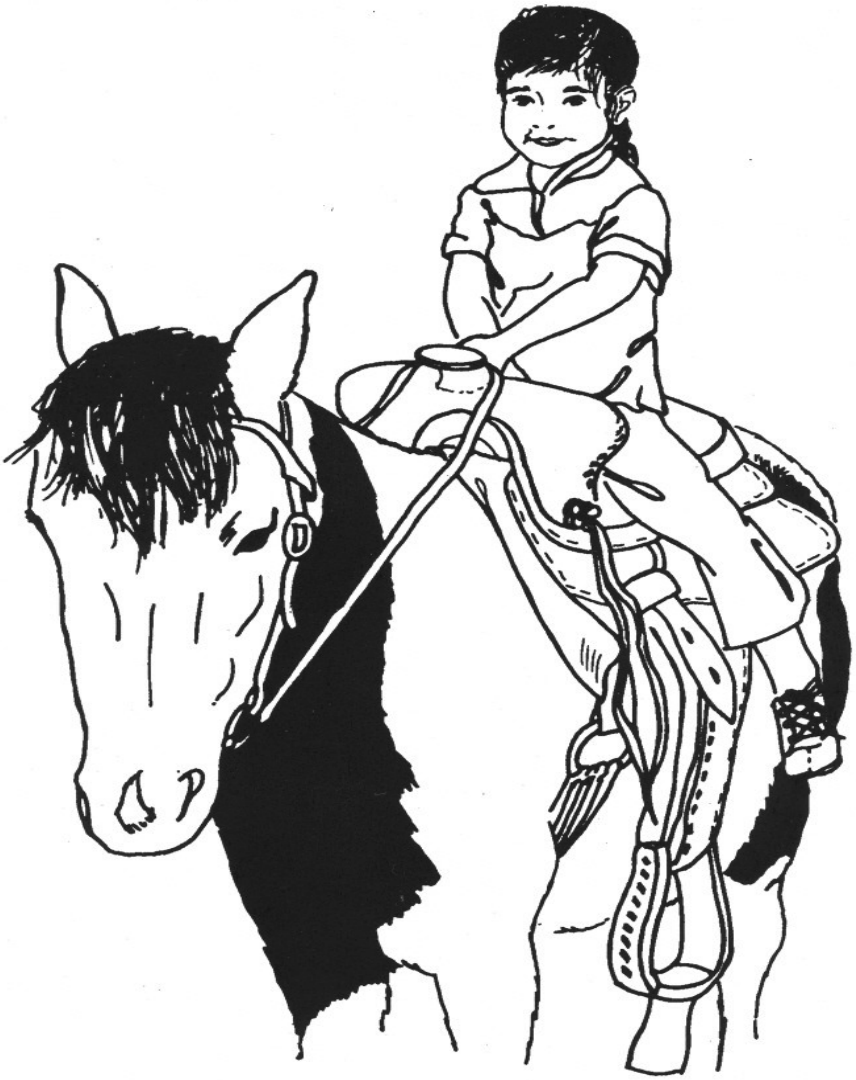


My father helps me get ready to ride Buttons.
He saddles and bridles my horse.
My father is a good man.
He is good to me in many ways.



Buttons is ready for me to ride.
I have to work hard
to get on my horse by myself.

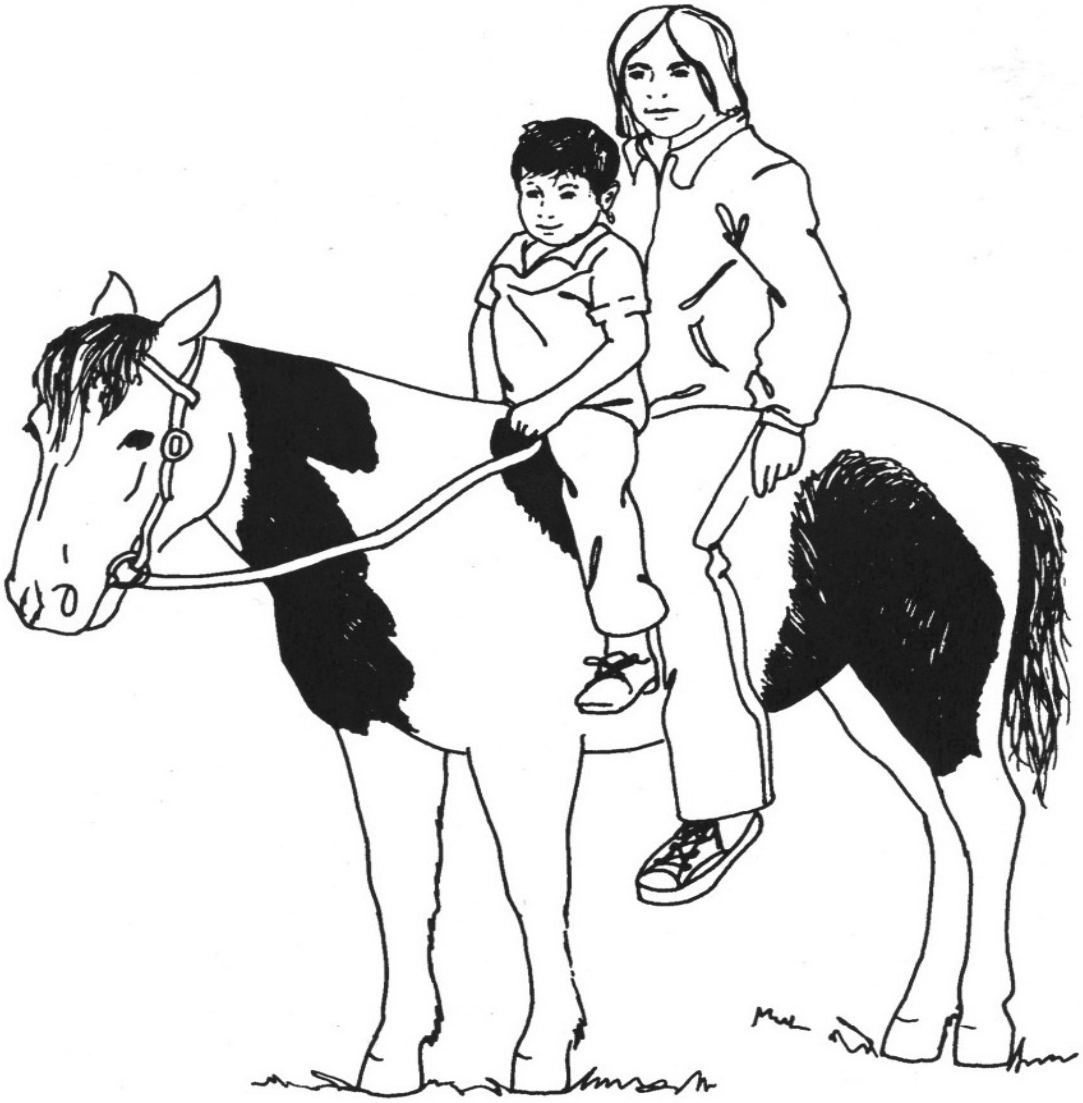
4



Buttons is a good and gentle horse.
It is fun to ride him.

5

Buttons likes to have me ride on his back.
Bareback riding is fun too.
Buttons likes me to ride him bareback.



Sometimes my cousin goes riding with me.
Doing things together is fun.

I take good care of Buttons.
I want him to look nice and feel good.
We should always take good care of our pets.

I like to be good to Buttons.
Buttons likes it when I give him hay to eat.
I like my horse and he likes me.

THE INDIAN READING SERIES:
Stories and Legends of the Northwest

Lame Deer Schools
Northern Cheyenne Social Studies Model Lesson

Lesson Title
Mapping My Neighborhood and the Lame Deer Community

Grade Level
Second Grade

Time
One Class Period

Lesson Summary
Students identify important places and addresses in their community.

Core Understanding 2
Cheyenne geography spans territories ranging from the Great Lakes area to Texas and Montana.

Montana Social Studies Content Standard 3
Students apply geographic knowledge and skills (e.g., location, place, human/ environment interactions, movement, and regions).

Essential Understanding 4
. . . reservations are lands that have been reserved by or for tribes for their exclusive use . . . through treaties while others were created by statutes and executive orders. . . .

Materials
Map of Lame Deer (copies for each student), map of your own community, sample maps of towns (can be obtained on Google Earth), photographs of schools, Chief Dull Knife Community College, Tribal Offices, Bureau of Indian Affairs, and other significant buildings or landmarks in the community (copies for each student), Cheyenne words for North, South, East and West, drawing paper, rulers, color crayons, glue sticks, *optional – compasses for elaboration

Engagement
Distribute the sets of photographs to each student. Let students share what they know about the buildings or landmarks. Ask students if they know where the buildings or landmarks are located. Give students sample town maps and discuss how to read them. Refer to the compass on the map.

Exploration
Pass out drawing paper, rulers, and crayons. Ask students to close their eyes for a moment and imagine their house. Tell them to take an imaginary trip from their house to the school. What streets do they go on? Do they know the names of any of the streets or highways? What street is the school on?

Ask students to try to draw the roads and streets they travel to get to school. Have them start by drawing a building to represent their house. Tell students to use two shapes for their house – a rectangle and a triangle. After their house is done, have them draw a map from their house to the school. Ask students to draw the school building by using a large rectangle.

Explanation
Give students the maps of Lame Deer and your community. Ask them to find specific streets and highways. Find the northern most street/road/highway with students – then the southern most, eastern, and western.

Teach the Cheyenne words for the directions.

Give the students the photograph set and help them to place them in the right locations. Give them glue sticks to paste them on the map. Spend some time reviewing the directions the places in the photographs are from the school.

Elaboration
Have a scavenger hunt using directions and compasses. Hide a variety of objects outside in the school yard. Let students practice holding and reading the compasses. Using the compasses, let students try to find the hidden objects. Try to use the Cheyenne words for North, South, East and West, as you do the activity.

Lame Deer Schools
Northern Cheyenne Social Studies Model Lesson

Lesson Title
A Cheyenne Community Calendar

Grade Level
Third Grade

Time
One to two lessons (this can also be carried out throughout the year, doing one calendar month at a time)

Lesson summary
Students explore months and seasons through the Cheyenne language and seasonal activities.

Core Learning 7
Contemporary Cheyenne Society reflects traditional knowledge, values, roles and relationships between men and women, within families, and among the community.

Montana Social Studies Content Standard 3
Students apply geographic knowledge and skills (e.g., location, place, human environment interactions, movement, and regions).

Essential Understanding 3
The ideologies of Native American traditional beliefs and spirituality persist into modern life as tribal cultures, traditions and languages are still practiced by many American Indian people and are incorporated into how tribes govern and manage their affairs.

Materials
Calendar template, Cheyenne language page with seasons, plants, months, and pictures (from magazines or books) of seasonal activities and pictures of local community events, download pronunciations from http://www.cheyennelanguage.org/words/lists.htm.

Engagement
Display pictures of seasonal activities and community events in the classroom. Discuss what is happening in the pictures.

Introduce the Cheyenne words for seasons. Ask students what the current season is and if they can name a specific activity that takes place during this time.

Exploration

Write the Cheyenne words for the seasons on the board. Create a list of activities under each word.

Point out pictures of community events and ask students if they know when they take place (Fort Robinson Run, Pow Wows, other events that occur in your community, etc.).

Explanation

Give students a calendar template and instruct them that they are going to make a school and community calendar. For each month, they will draw several activities that happen at that time, along with the Cheyenne name for that month. Ask students to include a drawing of their birthday in the appropriate month – they could draw a cake or present with their name on it.

Guide students to include community events – Pow Wows, rodeos, tribal holidays, events that occur in your community, etc. This activity could be done at one time or at the beginning of each month.

Elaboration

Students could also draw weather symbols for each month as predictions or observations.

CHEYENNE VOCABULARY FOR SEASONS & MONTHS

Spring	matse ‘ omeva
Summer	meaneva
Fall/Autumn	tonoeva
Winter	aeneva

“There is no standard agreed upon list of Cheyenne names for the months. Instead, English names for months have been regularly used for at least the last 80 years. However, some knowledge does remain of names for periods which may have been months or periods of time close to months. It is very possible that there was never a list of exactly 12 month names. It has been said that traditionally, there were only six names for divisions of the year. There is often interest, however, in trying to construct a list of twelve month names. Cheyenne speakers have suggested various alternatives for month names. Sometimes there is disagreement as to which month is referred to by a term. Here is one list which is in use on a calendar that has recently been distributed.” *Busby School of the Northern Cheyenne Tribe Bilingual Education Curriculum Guide*

January	Hohtseeše ‘he	hoop moon
February	Ma’ xehohtseeše ‘he	big hoop moon
March	Ponoma’ a ehaseneeše ‘he	drying-up moon
April	Vepotseese ‘he	leaf moon
May	Matse ‘omeeše ‘he	spring moon
June	Enano ‘eeše ‘he	planting moon
July	Meaneeše ‘he	summer moon
August	Oeneneeše ‘he	harvest moon
September	Tonoeveeše ‘he	fall moon
October	Se’enehe	facing into – referring to thin ice beginning to form on ponds and rivers
November	He’ koneneeše ‘he	hard face moon
December	Ma’xehe’koneeše’he	big, hard face moon

A CHEYENNE COMMUNITY CALENDAR

Monthly and Seasonal Activities of the Northern Cheyenne and your communities.

Lame Deer Schools
Northern Cheyenne Social Studies Model Lesson

Lesson Title
What's in a Name?

Grade Level
Fourth Grade

Time
Two class periods

Lesson summary
Students explore their name origins and learn the traditions of Cheyenne name giving.

Core Learning 7
Contemporary Cheyenne society reflects traditional knowledge, roles, values and relationships between men and women, within families and among the community.

Montana Social Studies Content Standard 6
Students demonstrate an understanding of the impact of human interaction and cultural diversity on societies.

Essential Understanding 3
The ideologies of Native American traditional beliefs and spirituality persist into modern life as tribal cultures, traditions, and languages are still practiced by many American Indian people and are incorporated into how tribes govern and manage their affairs.

Materials
World map (displayed on classroom wall), name books, colored flag pins (can be homemade if necessary), letter to parents and guardians, background information on traditional Cheyenne name giving, whiteboard and whiteboard markers in three colors, laminated, individual papers with students first name written on it in large letters, sugar cookies and frosting for lesson two

Engagement
Before the lesson begins, write a variety of male and female names on the board, both contemporary names and traditional names. Include examples of "nicknames". Be sure to include all the names of your students!

Exploration

Begin the lesson by drawing the students' attention to the names on the board. Ask the students if they know how to say all of the names. Ask students what kinds of names are on the board. Ask students if they could group the names together in categories. Inform students that there are four kinds of names on the board (contemporary girls', boys', traditional names, and nicknames).

Tell students to help you group them and use the markers to draw color-coded circles around them. Color code the four groups of names.

Ask students if they know how their name was selected (relative, friend, famous person, etc.).

Ask students if any of them are willing to share a nickname. Tell students that they are going to be learning about their contemporary names and the traditional practices of Cheyenne name giving.

Explanation

Arrange students in groups of 3 – 4. Give each group a name book and instruct them to look up their names. Ask them to pay attention to the language their name comes from and to write down the meaning and language on the laminated name papers. (You may have to help students find derivative names as some contemporary versions may not be listed. Also prepare for students who have "original" names that may have been created for the aesthetic sound or spelling. If students have an "original" name, have them write down a name meaning that describes them – something about their personality such as curious, mischievous, talkative, etc.) Have students turn their name papers in.

Tell students that you will be sending a letter home to their families to ask information about their name. Read the letter to students so they can talk to their parents about the information at home. (End of first lesson)

Pass out student name worksheets. Ask students to turn the paper over to blank side. Tell them to take several minutes to think about someone that they admire. Ask them to write that person's name down. Then ask them to write a reason they admire that person.

Share the information on how traditional Cheyenne names are selected and given. Let students name people in the community that they think would be good "namesakes".

Call each student up to the front of the classroom saying his or her name and the language of origin and meaning or information obtained from home. Give the student a flag pin and help them put it on the correct country related to the language of origin. Continue this for all of the students.

Pass out cookies with students' names written on them and enjoy! As students eat their cookies, you can share information that parents sent back to the school. (Optional: Invite the principal to this part of the lesson and have information about their name and a cookie for them also.)

Note: Please do not have students choose or give them "Cheyenne" or "Indian" names.

_____ Elementary School

Dear Parents and Guardians,

We are going to be learning about the importance of our names throughout several lessons. Students will be looking up their contemporary names in name books to find their meaning and language of origin. We will then learn about traditional Cheyenne name giving.

Students will be asked to provide as much information as they can about their names, such as how their name was selected. Were they named after a relative or family friend, etc? Do they have a nickname they feel comfortable sharing? Enclosed with this letter is a form asking for information that you would feel comfortable sharing with our class. Please fill it out and send it back as soon as possible so that we can include this information in each student's name projects.

We would also like to invite you to join us for any part of these lessons. If you would like to share information on naming with the class that would be wonderful, or perhaps you might like to share information on your family names. Let us know ahead of time if possible so that we can have a special place ready for you!

Kind regards,

What's in a Name?

Please share any information that you feel comfortable providing.

Student's Full Name:

_____

Student's Nickname:

_____

Reason for selecting student's name? _____

_____

_____

Student's Namesake: (Was student named for an aunt, uncle, friend, ect.) _____

_____

_____

MY NAME

Cheyenne Name Giving

Within the Northern Cheyenne community today, traditions of name giving are still practiced. The individual or the parents identify someone in the community that is admired for their personal qualities such as bravery, honesty, integrity, etc. Then the individual or the parents go to the namesake and the parents. Cheyenne community members have said that it was traditional to gift the namesake with a cradleboard. While some people today still gift with a cradleboard, others give varying gifts to the namesake, according to family protocols.

A person can "give their name away" up to four times in their lifetime.

Another tradition of name giving is that of the warrior. When a warrior returned from battle, a victory dance would be held and he would receive a new name if he had touched the enemy. This tradition is still practiced today for veterans. Both the victory dance and naming is done when the returning serviceman or woman was engaged in active combat.

Lame Deer Schools
Northern Cheyenne Social Studies Model Lesson

Lesson Title
Symbols of Our People

Grade Level
Fifth Grade

Time
One class period

Lesson Summary
Students explore the Northern Cheyenne flag and Flag Song. Comparisons are made with the Montana State flag and the United States flag.

Core Understanding 7
Contemporary Cheyenne society reflects traditional knowledge and values, roles and relationships between men and women, within families, and among the community.

Montana Social Studies Content Standard 2
Students analyze how people create and change structures of power, authority, and governance to understand the operation of government and to demonstrate civic responsibility.

Essential Understanding 3
The ideologies of traditional beliefs and spirituality persist into modern life as tribal cultures, traditions, and languages are still practiced by many American Indian people and are incorporated into how tribes govern and manage their affairs.

Materials
Symbols of Our People Cheyenne Flag Song PowerPoint (https://www.youtube.com/watch?v=mkozUEVNqlY - English at 1:26)
background information on Chief Dull Knife
(Morning Star), background information on the significance of military service

Engagement
Ask students to stand and remove their hats and then play the flag song. After it is over and students sit down, ask them why we stand and remove our hats during a flag song.

Exploration
Play the *Symbols of Our People* Cheyenne Flag Song PowerPoint, which contains Conrad Fisher singing and explaining the Cheyenne flag songs. Give students handouts of the Northern Cheyenne flag, the Montana State flag and the US Flag. Instruct them to write down what they think the meanings of the colors, pictures, and symbols of each one are.

Explanation
Let students share their ideas and thoughts about all of the flags. Provide them with the meanings if necessary. Ask students if they have any relatives that have served in the military, and discuss the significance of military service.

Elaboration
Honor veterans on Veteran's Day and utilize the background materials on military service to share with students. Play the Flag Song in your classroom.

Invite a veteran from the community to speak to the class.

Invite an elder to speak about traditional military societies.

Cheyenne Flag Songs

There are three versions of the Cheyenne Flag Song. Alex Standing Elk composed the Birney version. Basil Medicine Elk composed the White River or Busby version. Morris Medicine composed the Southern Cheyenne version.

Flag Songs were composed after World War I to honor Indian veterans. They were written in the same way the old Indian honoring songs were, for men who had done great deeds in battle and hunting.

Indian people have been one of the largest represented minorities in the military. There were “code talkers” from many different tribes, and Indian men have honored the tradition of protecting their country in all of the contemporary wars.

It is tradition to stand and remove your hat when the Flag Song is sung.

Lame Deer Schools
Northern Cheyenne Social Studies Model Lesson

Lesson Title
Mapping the Reservation

Grade Level
Sixth Grade

Time
Two class periods

Lesson summary
Students locate and identify significant geographic features and historic and cultural sites on the reservation.

Core Learning 1
Cheyenne geography spans landscapes ranging from Hudson Bay to Minnesota to Montana.

Montana Social Studies Content Standard 3
Students apply geographic knowledge and skills (e.g., location, place, human/ environment interactions, movement, and regions).

Essential Understanding 4
. . . reservations are lands that have been reserved by or for tribes for their exclusive use . . . through treaties while others were created by statutes and executive orders. The principle that land should be acquired from tribes only through their consent with treaties involved three assumptions….

Materials
Wall-sized reservation map, paper-sized reservation maps for students, Background information on significant reservation sites, examples of maps with legends for students to explore

Engagement
Ask students how well they think they know the school grounds. Ask them if they believe they could draw a fairly accurate map of the school grounds.
Show students a variety of maps and discuss their legends. Give them each a blank sheet of paper to draw a map of the school. Ask students to use symbols and create a legend. Example – the cafeteria could have some kind of food icon, the music room could have a music note, etc.

Exploration
Give students time to review the example maps and legends again. Ask students how well they think they know the reservation landscape. Tell them that they will be getting a blank outline, and their job is to fill in as many geographic features as possible. Instruct students to use pencils, as they may have corrections to make. (End of first lesson - tell students they will be looking at a reservation map and correcting theirs in the next lesson, as well as adding some important features.)

Explanation
Display the wall-sized reservation map and allow students to correct their maps. Have them use colored pencils when the corrections are made to add some interest to the map.

Discuss map legends again and tell students that they will be adding some important sites to the map and each student is to create their own symbols for the different places.

Share the significant site information with students and instruct them to place them accurately on their maps with a symbol or icon that might suggest the nature of the site.

Northern Cheyenne Social Studies

Mapping the Reservation

Following is a list of significant sites and geographic features of the Northern Cheyenne Reservation. The Little Big Horn and Rosebud Battle Sites are included due to their significance and close proximity.

Little Big Horn Battle Site – Located 45 miles west of Lame Deer – Custer's command came up to Rosebud from the Yellowstone River. From his last camp, Custer passed over the divide between the Rosebud and the Little Big Horn, following a fresh trail up Davis Creek which was made by warriors returning from the Crook defeat on the upper Rosebud. Custer's charge into the Indian camp was a surprise to the sleeping Indians who had celebrated their victory far into the night. But the Indians quickly organized to cut off support from Major Reno and Captain Benteen, and then annihilated Custer's command.

Fight Where Girl Saved Her Brother – Rosebud Battle Site – Located near Sheridan, Wyoming – On March 7, 1876, General Crook met the Northern Cheyenne at the headwaters of the Powder River and, sorely defeated, Crook retreated to his base camp on Goose Creek (near Sheridan, Wyoming). On May 29, 1876, his command left Fort Fetterman and on June 17, 1876 encountered the Indians on upper Rosebud Creek. He was so badly defeated that his fifteen companies of cavalry and five companies of infantry returned to their base operations and were out of the campaign. Eight days later, Custer was also out of the campaign.

Two Moons Monument – Located in Busby – Just off the highway is a monument to Two Moons, a Northern Cheyenne Chief who took part in the Custer battle. Convinced that he could not run from the army forever, he surrendered his band at Fort Keogh and they remained there until the Tongue River (Northern Cheyenne) reservation was established by Executive Order in 1884.

Wolf Mountain Battle Site – Located in White Birney

Custer's Last Camp – Located in Busby – Custer's last camp, June 24, 1876, was on the Rosebud near the present town site of Busby. They broke camp at midnight to start for the Indian camp on the Little Big Horn River.

Head Chief and Young Mule Memorial Hill – Located in Lame Deer – a 25 year old man, Head Chief, and a 13 year old boy, Young Mule, killed and butchered a cow for camp meat and were caught packing it home by a rancher, Hugh Boyle. Fearing retaliation, Head Chief pursued and killed Boyle and buried his body. The authorities

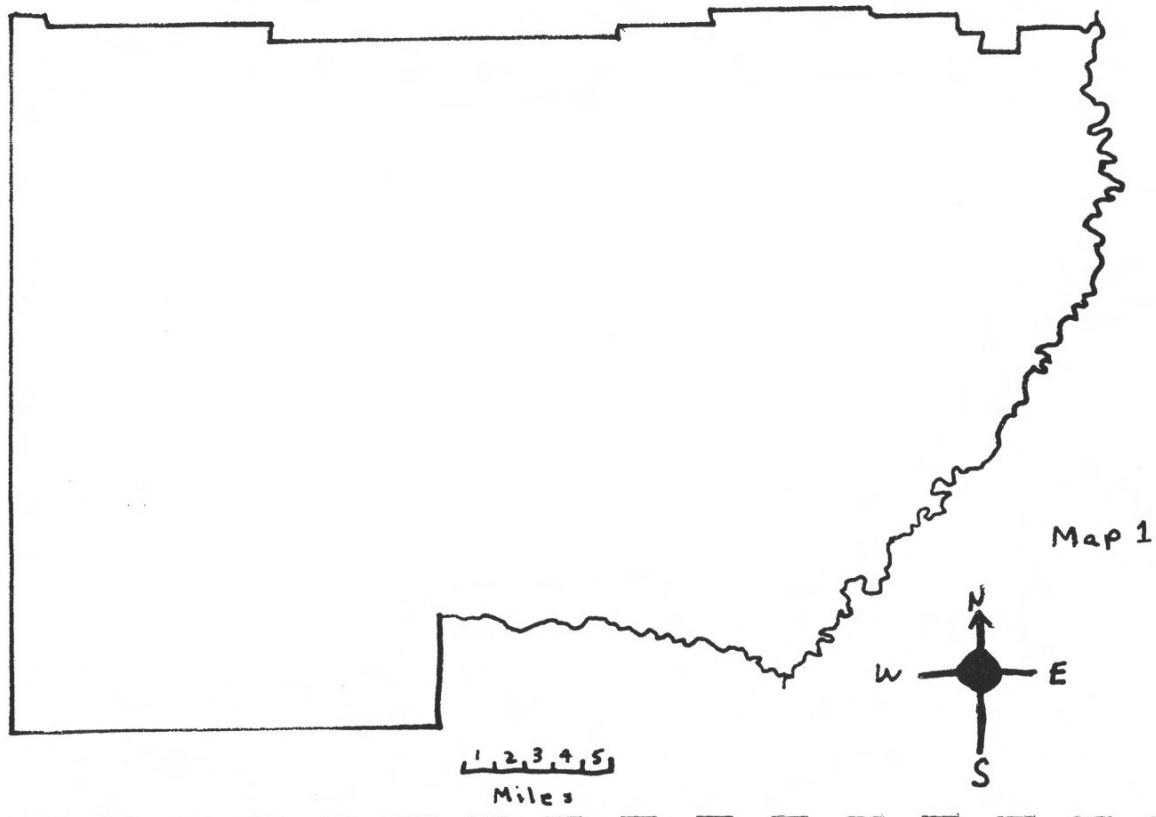
knew it was an Indian killing and Head Chief feared rations for the entire tribe might be cut off until the killer was apprehended. He confessed but refused to give himself up for hanging; the Cheyenne believed that the rope around the neck prevented the escape of the soul with the last breath. Head Chief offered to meet the army as a warrior on the next day, September 13, 1890. Young Mule insisted that he would go with Head Chief. With the cavalry lined up on the agency grounds, Head Chief rode down from the top of the hill northeast from the Agency, directly into the cavalry's fire and was cut down. Young Mule's horse was killed at the outset of the skirmish and he came down on foot. He reached the brush and trees in the bottom of Anderson Gulch before he too was killed by gunfire.

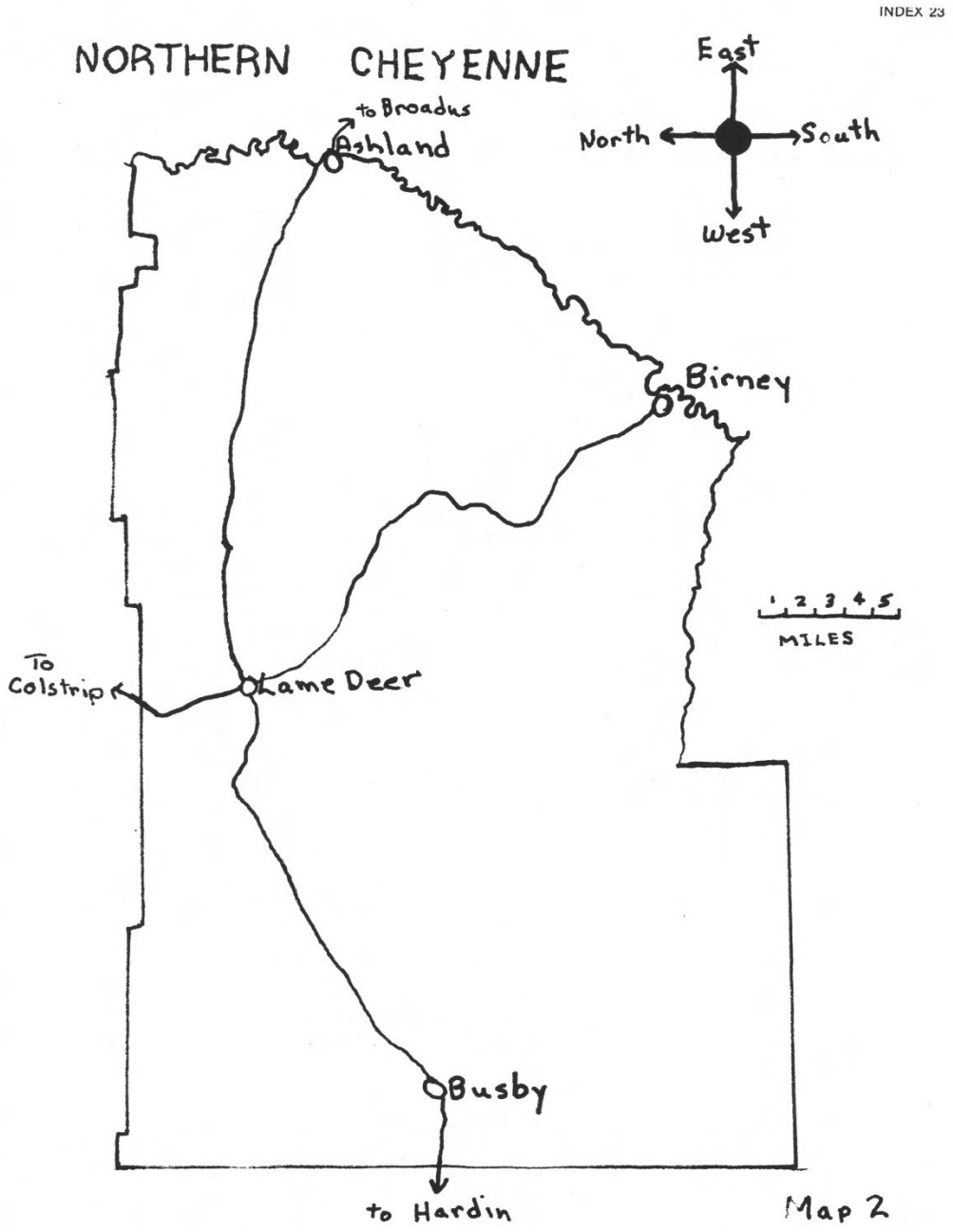
Dull Knife (Morning Star) and Little Wolf's Burial Site – Located in Lame Deer – After the Northern Cheyenne helped defeat Custer in 1876, their pursuit eventually caused them to be detained in Oklahoma Indian Territory. Despite promises they could eventually return to Montana, these promises were never kept. Sick and hungry and determined to return to their homeland, the Cheyenne under Dull Knife (Morning Star) and Little Wolf escaped on September 7, 1878. Pursued in the rear and intercepted on the way, these heroic people fought, froze and starved to death to reach home. An Executive Order on November 26, 1884, finally set aside a tract of country for the Northern Cheyenne. The descendants of the band who left Oklahoma in 1878 live on the reservation today. Dull Knife (Morning Star) and Little Wolf are buried at the base of the present day cemetery.

Deer Medicine Rocks – Located north of Lame Deer – a rock formation that is the site where Sitting Bull had his vision that showed the defeat of Custer.

Chief Lame Deer's Burial Site – Located one mile southwest of Lame Deer – Lame Deer's camp of 51 lodges of Minnecounjou Sioux refused to come in and move over near the Rosebud to hunt buffalo. On May 7, 1887, General Miles attacked Lame Deer's camp on Lame Deer Creek. Lame Deer and Iron Star were separated from the band and General Miles rode up to shake Lame Deer's hand. Just when it looked like all might be settled peacefully, a soldier rode up with a rifle drawn. Lame Deer was suspicious and dropped back and fired at General Miles but missed and killed another soldier. A hot fight ensued in which Lame Deer and Iron Star and many others were killed. The soldiers then looted and burned the Indian camp.

NORTHERN CHEYENNE INDIAN RESERVATION
OUTLINE MAP




NORTHERN CHEYENNE
East
North
South
West
to Broadus
Ashland
Birney
1 2 3 4 5
MILES
To Colstrip
Lame Deer
Busby
to Hardin

Map 2

Lame Deer Schools
Northern Cheyenne Social Studies Model Lesson

Lesson Title
Lessons of Sweet Medicine

Grade Level
Seventh Grade

Time
Two class periods

Lesson Summary
Students explore the teachings of Sweet Medicine and several other religious and political leaders.

Core Understanding 3
The Cheyenne People through their language and culture have been a sovereign nation from time immemorial.

Montana Social Studies Content Standard 6
Students demonstrate an understanding of the impact of human interaction and cultural diversity on societies.

Essential Understanding 3
The ideologies of traditional beliefs and spirituality persist into modern life as tribal cultures, traditions, and languages are still practiced by many American Indian people and are incorporated into how tribes govern and manage their affairs.

Materials
Sweet Medicine narrative, information on world leaders (Dalai Lama, Bishop Desmond Tutu, Dr. Martin Luther King Jr., and Mohandas Gandhi), comparison worksheet, poster paper and markers or colored pencils

Engagement
Students work in groups of 3-4 to answer the question on the board: "Who gets to make the laws and rules that countries live by?" Give students 10-15 minutes to write their groups response.

Exploration
Let each group report out their answers. Write down each group's response on the board.

Ask students: "Is it possible to influence a law or rule to be changed? Who could do this and how?" Let them discuss for 5 minutes with their group.

Explanation
Find out what students know about Sweet Medicine by doing a KWL chart on the board.

Divide the narrative on Sweet Medicine among the groups. Give each group 15 minutes to read the narrative. Have each group create a pictorial diagram of the teachings and societal organization that Sweet Medicine shared. Distribute poster paper and markers to each group. Give them 10-15 minutes to complete the diagram.

Have each group share and explain their diagram. Write some of this information in the KWL chart. Check to see if what students believe they already knew was accurate. Ask students if they have questions about Sweet Medicine that were not answered. Write them in the KWL chart. Tell students that you will be inviting a community member to come and talk about Sweet Medicine and answer their questions.

(End of first part of lesson)

Tell students that their group will be comparing Sweet Medicine with other world leaders. Assign each group one of the leaders (e.g. Mohandas Gandhi, Bishop Desmond Tutu, Dr. Martin Luther King Jr., the Dalai Lama, etc.) to find information on. Give groups about 15 minutes to do some book and Internet research, and another 20 minutes to use it to fill out comparison worksheets. (You could gather information ahead of time if desired.)

Have each group share what they learned about the other leaders. Ask students: "Were any of the leaders similar to Sweet Medicine? What were the similarities? Were any of the leaders quite different from Sweet Medicine? What were the differences?"

Elaboration
Have students identify a leader in the world, the U.S., Montana, their community or their reservation that they would like to create a biography on.

Have students write a response to the question: "Does spirituality play a role in politics today?" Instruct them to include supporting evidence and examples for their response.

EARLIEST STORIES

When I was just a little boy, I began to listen to old men and women of the Cheyenne tribe telling stories that had been handed down from earlier generations. Many of them used to visit my grandparents who raised me--my parents died before I was ten years old. And I could listen and listen; if they talked all day I would be there the whole time.

Now I am one of the last people who know some of these things. I am telling them as they were told to me during more then eighty years among the Cheyenne people. I can tell only what I know, but I have not added anything or left anything out.

The old Cheyennes could not write things down. They had to keep everything in their heads and tell it to their children so the history of the tribe would not be forgotten. There were tales of the Creation, and the early days before the Cheyennes lived in the Plains country. Many of these have been forgotten, but some have lasted to this day. And there were tales of the hero Sweet Medicine, the savior of the Cheyenne tribe, who gave us our laws and way of living. And there were history stories, of travels and fights.

Stands In Timber, J., (1967). *Cheyenne Memories.* Yale University: New Haven.
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SWEET MEDICINE

Many centuries ago the prophet and savior Sweet Medicine came to the prairie people. Before his birth the people were bad, living without law and killing one another. But with his life those things changed. Indians are often called savages, and it was true of the Cheyennes at first, but not after Sweet Medicine's time.

EXILE OF SWEET MEDICINE: In those days the old men who were unable to hunt, and those who were crippled and slow-footed, would go out after sunrise to meet the hunters and help them carry in their meat. By helping in this way the old men would get a share of it. So on this day, one old man found Sweet Medicine skinning out the calf he had killed. He had nearly finished cutting out the meat he wanted and laying it on the hide. And when the old man saw the hide, he wanted it.

"Thank you, my grandson," he said. "This is the kind of hide I need. I will take it."

"No," said Sweet Medicine, "you will not take it. This is my first kill, and I need the hide myself." He divided the meat into two shares when he had finished skinning, and pointed to one, telling the old man, "You carry that; it's yours." But the old man started to pick up the hide along with the meat, and Sweet Medicine told him to leave it alone.

"I can take it away from you," said the old man, "and I might whip you if you don't let it go." He grabbed one side of it- -Sweet Medicine was holding the other- -and tried to swing him around and jerk it loose. That made Sweet Medicine angry. He picked up one of the shanks that was lying there and hit the old man on the head with it, and he fell. But he was just knocked out, so Sweet Medicine rolled his own meat in the hide and packed it on his back and returned to the village.

(Some have told this story differently, saying that Sweet Medicine killed the old man. But that was not true. The old people I talked to back in 1896 said that he was not killed. My grandfather Wolf Tooth told me that was a new version and they had just started it; that the real way and the old way were as I have told it here.)

SWEET MEDICINE'S RETURN: What happened to Sweet Medicine while he was gone was not known to the people for a long time, but on his return he told them of his experiences. He had traveled a long way, deep into the heart of the Black Hills country, where he seemed to be called by some great power. At last he reached a mountain known ever since by the Cheyenne as Noahvose, the Sacred or Holy Mountain; today it is called Bear Butte. Here he entered and found a place like a big lodge or tepee. Old women were sitting along one side and old men along the other. But they were not really people, they were gods. And he saw four arrows there, which were to become the Four Sacred Arrows of the Cheyenne Tribe.

The old ones called him Grandson and began instructing him in many things he should take back to the people. They taught him first about the arrows, because they were to be the highest power in the tribe. Two were for hunting and two for war. Many ceremonies were connected with them, and they stood for many laws. He was taught the ceremony of renewing the arrows, which must take place if one Cheyenne ever killed another. The arrows had to be kept by a special priest in a sacred tepee, covered at all times unless the Arrow Ceremony was under way.

Sweet Medicine learned next that he was to give the people a good government, with forty-four chiefs to manage it, and a good system of police and military protection, organized in the four military societies- - the Swift Foxes, Elks, Red Shields, and Bowstrings. There was so much more to learn besides these things that he was there for most of the four years, before he was sent forth again to carry the laws to the people. One of the old ones came out before him, burning sweet grass as incense to purify the air for the arrow bundle. And with it in his arms he started for home.

It took a long time to go through all the organization ceremonies. A double tepee was put up, using two sets of poles and two covers so there was room for many men inside. Here in a long performance the Swift Fox military society was organized and given its rule and customs and songs and the special insignia it was to wear. After the Swift Foxes, the Elks, and Bowstrings, and Red Shields were organized the same way. When the military societies were finished, Sweet
Medicine began on the chiefs, teaching them their duties and rule and how they were to be chosen. They too were given songs and insignia, and then much: the new laws of the tribe and the ways in which they must work with the military societies. At last he taught them the principles of the Arrow religion: how the Arrows were to be reverenced and cared for and used for the betterment of the people. And together, with his teachings, they performed the ceremony of renewing the Sacred Arrows, which only the chiefs might order and perform.

SWEET MEDICINE'S DEATH: The tribe was camped in a big village near Devil's Tower in Wyoming when Sweet Medicine knew his time had come. He called the military societies together and ordered them to build him a hut of cedar poles, covered with rye grass and cottonwood bark and bedded inside with rye grass. Then, since he was helpless with old age, he had them carry him to this place and lay him on the bedding inside. When this was done he ordered the camp moved farther down, several miles away from him, so that in the end he would be alone. And after the camp was set up there he sent word for the people to come back to hear the last things he had to tell them. When they had surrounded the place and stood there waiting, he began to speak.

"My friends," he said, "once I was young and able, but a man lives only a short time, and now I am old and helpless and ready to leave you. I have brought you many things, sent by the gods for your use. You live the way I have taught you, and follow the laws. You must not forget them, for they have given you strength and the ability to support yourselves and your families.

"There is a time coming, though, when many things will change. Strangers called Earth Men will appear among you. Their skins are light-colored, and their ways are powerful. They clip their hair short and speak no Indian tongue. Follow nothing that these Earth Men do, but keep your own ways that I have taught you as long as you can.

"The buffalo will disappear, at last, and another animal will take its place, a slick animal with a long tail and split hoofs, whose flesh you will learn to eat. But first there will be another you must learn to use. It has a shaggy neck and a tail almost touching the ground. Its hoofs are round. This animal will carry you on his back and help you in many ways. Those far hills that seem only a blue vision in the distance take many days to reach now; but with this animal you can get there in a short time, so fear him not. Remember what I have said.

"But at last you will not remember. Your ways will change. You will leave your religion for something new. You will lose respect for your leaders and start quarreling

with one another. You will lose track of your relations and marry women from your own families. You will take after the Earth Men's ways and forget good things by which you have lived and in the end become worse than crazy.

"I am sorry to say these things, but I have seen them, and you will find that they come true."

The people were all quiet, thinking of what Sweet Medicine had said, but they did not believe him. At last they left him there alone and he was not seen again. A few years later some people were camped nearby, and they went back thinking they might find his bones if he had died there. But the wooden tepee was empty, and today, of course, it is gone. Some old Indians say they marked that place with stones, west of Devil's Tower and others argue that it was no Devil's Tower at all, but west of Bear Butte. The stones may be there to this day. But I suppose we will never know.

THE CHIEFS: I would like to go back now and tell about the chiefs' organization and duties, because the chiefs were the real power of the tribe, and their organization ceremony still follows the pattern that Sweet Medicine taught them. It was connected with the Arrows, as I have said, giving it a religious feeling, and also with the Chiefs; Medicine, which Sweet Medicine brought with the Arrows from the Holy Mountain. He carried this himself through his lifetime and later put it in the care of the keeper, the man chosen to be the Old Man Chief or fifth of the Head Chiefs.

After they had smoked, the balance of the chiefs' membership was filled out to make forty-four in all, plus the Keeper of the Medicine. And after all had smoked, Sweet Medicine's instructions began.

He told them there had been a band that called itself soldiers, and these men controlled the people; they killed many men who objected to them or disobeyed their orders. Now he said there would be no more of that. Anyone who killed his kinsman - - his tribesman - - would be cast out. If he gave himself up in a good way, the military societies would take him out across four ridges or four rivers and leave him there. After he was turned loose he was considered an enemy; anyone could kill him. But if he was still alive after four years he could come back to the village; the Sacred Arrow Priest could meet him and perform a ceremony of re-adoption. But Sweet Medicine ordered that he would not be free to do all things. He could not go to public gatherings or any religious ceremony or entertainment. People should not eat with him, but if he made a visit give him a separate dish. And if he had children after committing this murder they would also be outlawed on account of their father.

"Listen to me carefully, and truthfully follow up my instructions," Sweet Medicine told the chiefs. "You chiefs are peace makers. Though your son might be killed in front of your tepee, you should take a peace pipe and smoke. Then you would be called an honest chief. You chiefs own the land and the people. If your men, your soldier societies, should be scared and retreat, you are not to step back but take a stand to protect your land and your people. Get out and talk to the people. If strangers come, you are the ones to give presents to them and invitations. When you meet someone, or

he comes to your tepee asking for anything, give it to him. Never refuse. Go outside your tepee and sing your chief song, so all the people will know you have done something good.

As closely as I can put it, that is what he told them. And the chiefs did keep it in their minds. When I was a boy they used to go up on a hill near camp and talk to the people about all the laws Sweet Medicine had taught so long ago. There were many of them. The Cheyennes were not supposed to marry too young or to anyone related to them; they have forgotten that today. They were not to take anything by force, from another person, or use it without permission, or to say bad things about others, especially the leaders or chiefs. They were to take pride in their bodies and the way they appeared, to keep clean and stay healthy. They were not to talk to their mothers-in-law or fathers-in-law, and that one rule saved a lot of trouble. I have noticed, since that custom is not used so much anymore, that the daughter-in-law and mother-in-law start quarreling many times over little things. Some still avoid one another, however, and act ashamed in the old way.

I learned the laws from my grandfather. He made me remember them. He told me about fights. A number of times I could have gotten into them, but he used to say there was always someone ready to be jealous and fight or argue. "Don't give him one word," he would tell me, "even if he should call you bad things. Walk away from him. After a time that man will come back and be one of your best friends." And it is true; I have done it many times.

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Lame Deer Schools
Northern Cheyenne Social Studies Model Lesson

Lesson Title
Trying to Return Home

Grade Level
Eighth Grade

Time
Five class periods (This lesson is part of a two-four week unit on Cheyenne History up to 1884.)

Lesson Summary
Students analyze the events leading to the Fort Robinson Outbreak.

Core Learning 5
Cheyenne history during the 1700-1800's, was characterized by intense change including the westward movement, acquisition of the horse, disease, invasion, massacres and battles.

Montana Social Studies Content Standard 6
Students demonstrate an understanding of the impact of human interaction and cultural diversity on societies.

Essential Understanding 6
History is a story and most often related through the subjective experience of the teller. With the inclusion of more and varied voices, histories are being rediscovered and revised. History told from American Indian perspectives frequently conflicts with the stories mainstream historians tell.

Materials
US wall map, *A History of the Cheyenne People* pp. 39-84, articles on Fort Robinson Outbreak and Fort Robinson Run, Chain of Events semantic map,
U.S. maps for individual students and one for each student group, US atlas for reference throughout the lessons, other history texts, Cheyenne leader biographies, or other materials related to Cheyenne History during 1825 – 1879, 1825 Friendship Treaty and copies of other treaties involving the Cheyenne (These are included in the curriculum binder.)

Exploration
Remind students of the 1825 Friendship Treaty by reading Articles I and II. Ask

students: "Given this solemn obligation between the United States and the Cheyenne, how could the situation at Fort Robinson taken place?" Ask students to write a response to the question. Collect the responses and tell students that they will not be read aloud, but will be returned to them to read themselves at the end of the lessons.

Inform students that they will be creating a sequence of events leading up to the Fort Robinson Outbreak. They will be using the history text *A History of the Cheyenne People* that they have been studying, and can use pages 39-84 to create their chronology. There are 22 significant event periods that took place between the Friendship Treaty of 1825, to the Fort Robinson Outbreak in 1879. These event periods are numbered 22 – 44 in the text.

Arrange the class into groups of 3-4 students. Group 1 will map text from 22 – 26. Group 2 will map events in text from 27-30. Group 3 will map events in text from 31-35. Group 4 will map events in text from 36-40. Group 5 will map events from 41-44. Within each group, individual students will be responsible to map at least one of the event periods.

Visit with each group and give students the text narratives. Write down which texts each group will be responsible for as well as which one each group member will be mapping.

Give students map worksheets and go over mapping instructions. For each event period, review the following items to be included: location of events, all groups of people involved, significant people/leaders, government officials, a basic summary of the event, student thoughts as to causes of the event and possible future consequences.

Spend time reviewing the directions with students to assure everyone's understanding of the task.

(End of second part of lesson.)

<u>Explanation</u>

During the next two lessons, individual students read their texts and fill in their maps. When all students are finished, then they work in groups to create a larger map that includes all of the event periods they were assigned.

When each group is finished, they share their group map with the rest of the class. All of the maps are posted sequentially throughout the classroom.

(End of third and fourth parts of the lesson.)

Read several of the versions of the Fort Robinson Outbreak to the class.

Ask students to respond in writing to the question: “Was the Fort Robinson Outbreak inevitable? Why or why not?”

Return students’ responses to the Friendship Treaty of 1825 obligations.

Share some of the articles on the Fort Robinson Run. Ask students how they think the school could participate or honor the event.

(End of the last part of the lesson.)

TRYING TO RETURN HOME

Eighth Grade Lesson
Event Mapping Guide

1. Name and describe the location/s that the event(s) takes place.

2. What is the approximate date and time spanned during the event(s)?

3. Who is the main group(s) of people involved?

4. Identify the significant individuals involved and describe them.

5. Were there circumstances or events that caused this event to happen? If so, list them with a brief description.

6. Do you think this event has a consequence? What do you predict it will be? Give a reason for your prediction.

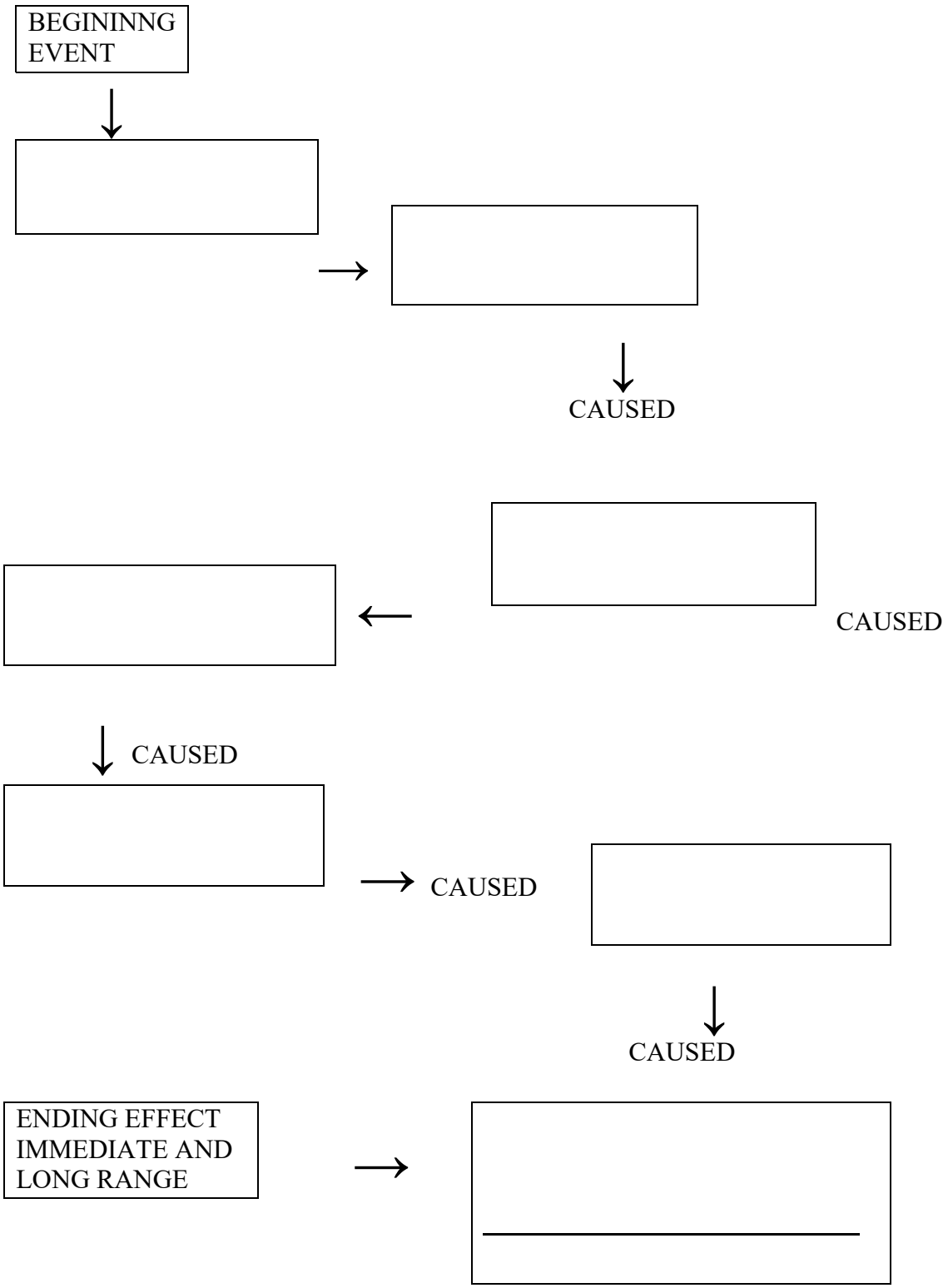
7. Can you identify one or two circumstances or actions that would have changed or prevented this event from happening?

8. With your group, create a symbol or picture that represents this event and draw it on the U.S. map at the location(s) the event (s) took place. Write names of significant groups or individuals by the symbol.

9. Write a summary of the event.

10. Share your event summary with the members of your group after all of you have added your symbols and names on the U.S. map. Be prepared to give an oral presentation of your group's events to the whole class.

CAUSE AND EFFECT MAP
CHAIN OF EVENTS PATTERN



TITLE_____

STUDENT NAME_____

CLASS_____

A HISTORY OF THE CHEYENNE PEOPLE

by

TOM WEIST

"Two themes dominate the text. First, that the Cheyennes were traditionally a peace- loving people; their history is essentially the story of a particular group of human beings who, faced with a variety of human problems, tried to deal with them to the best of their ability. When pressured by other tribes and the later encroachments of the white man, they could and did fight exceedingly well in defense of their land; however they never were the militant super-warriors portrayed by Hollywood and the fiction writers. A second major theme is the remarkable story of how, during a period of less than 350 years, the Cheyennes were able to adjust to different environments and adapt to what were essentially four different ways of life - - as hunters and fishermen living on the shore of lakes in the northern woodlands, as planters living in earth lodge villages on the Minnesota, Sheyenne and Missouri rivers, as mounted buffalo hunters in the Black Hills and on the Great Plains, and their more recent years on the reservation.

The basic outline of the history follows the generalized time periods recognized by older Cheyennes: The Ancient Time, The Time of the Dogs, The Time of the Buffalo and The Time of the Horse."

This document cites The History of the Cheyenne People by Tom Weist. Additional copies are available from the Council for Indian Education, 1240 Burlington Avenue, Billings MT 59102-4224, ISBN 0899921574, $14.95.

1825 Friendship Treaty

July 6, 1825

FOR *the Purpose of perpetuating the friendship which has heretofore existed, as also to remove all future cause of discussion or dissension, as it respects trade and friendship between the United States and their citizens, and the Chayenne tribe of Indians, the President of the United States of America, by Brigadier General Henry Atkinson, of the United States' army, and Major Benjamin O'Fallon, Indian agent, with full powers and authority, specially appointed and commissioned for that purpose of the one part, and the undersigned Chiefs, Headman and Warriors, of the Chayenne tribe of Indians, on behalf of said tribe, of the other part, have made and entered into the following Articles and Conditions; which, when ratified by the President of the United States, by and with the advice and consent of the Senate, shall be binding on both parties – to wit:*

Article 1.
It is admitted by the Chayenne tribe of Indians, that they reside within the territorial limits of the United States, acknowledge their supremacy, and claim their protection. The said tribe also admit the right of the United States to regulate all trade and intercourse with them.

Article 2.
The United States agree to receive the Chayenne tribe of Indians into their friendship, and under their protection, and to extend to them, from time to time, such benefits and acts of kindness as may be convenient, and seem just and proper to the President of the United States.

Article 3.
All trade and intercourse with the Chayenne tribe shall be transacted at such place or places as may be designated and pointed out by the President of the United States, through his agents; and none but American citizens, duly authorized by the United States, shall be admitted to trade or hold intercourse with said tribe of Indians.

Article 4.
That the Chayenne tribe may be accommodated with such articles of merchandise, as their necessities may demand, the United States agree to admit and license traders to hold intercourse with said tribe, under mild and equitable regulations: in consideration of which, the Chayenne tribe bind themselves to extend protection to the persons and the property of the traders, and the persons legally employed under them, whilst they remain within the limits of their particular district of country. And the said Chayenne tribe further agree, that if any foreigner or other person, not legally authorized by the United States, shall come into their district of country, for the purposes of trade or other views, they will apprehend such person or persons, and deliver him or them to some United States' superintendent or agent of Indian Affairs, or to the commandant of the nearest military post, to be dealt with according to law. And they further agree to give safe conduct to all persons who may be legally authorized by the United States to pass through their country, and to protect in their persons and property all agents or other persons sent by the United States to reside temporarily among them; nor will they, whilst on their distant excursions, molest or interrupt any American citizen or citizens, who may be passing, from the United States to New Mexico, or returning from thence to the United States.

Article 5.
That the friendship which is now established between the United States and the Chayenne tribe, should not be interrupted by the misconduct of individuals, it is hereby agreed, that for injuries done by individuals, no private revenge or retaliation shall take place, but instead thereof, complaints shall be made, by the party injured, to the superintendent or agent of Indian affairs, or other person appointed by the President; and it shall be the duty of the said chiefs, upon complaint being made as aforesaid, to deliver up the person or persons against whom the complaint is made, to the end that he or they may be punished, agreeably to the laws of the United States. And, in like manner, if any robbery, violence, or murder, shall be committed on any Indian or Indians belonging to said tribe, the person or persons so offending shall be tried, and, if found guilty, shall be punished in like manner as if the injury had been done to a white man. And it is agreed, that the Chiefs of said Chayenne tribe shall, to the utmost of their power, exert themselves to recover horses or other property, which may be stolen or taken from any citizen or citizens of the United States, by any individual or individuals of said tribe; and the property so recovered shall be forthwith delivered to the agents or other person authorized to receive it, that it may be restored to the proper owner. And the United States hereby guaranty to any Indian or Indians of said tribe, a full indemnification for any horses or other property which may be stolen from them by any of their citizens: Provided, that the property so stolen cannot be recovered, and that sufficient proof is produced that it was actually stolen by a citizen of the United States. And the said Chayenne tribe engage, on the requisition or demand of the President of the United States, or of the agents, to deliver up any white man resident among them.

Article 6.
And the Chiefs and Warriors, as aforesaid, promise and engage that their tribe will never, by sale, exchange, or as presents, supply any nation or tribe of Indians, not in amity with the United States, with guns, ammunition, or other implements of war.

Done at the mouth of the Teton River, this sixth day of July, A.D. 1825, and of the independence of the United States the fiftieth.

In testimony whereof, the said commissioners, Henry Atkinson and Benjamin O'Fallon, and the chiefs, head men, and warriors, of the Chayenne tribe, have hereunto set their hands and affixed their seals.

H. Atkinson, brigadier general, U.S. Army, [L.S.]
Benj. O'Fallon, United States Agent Indian Affairs, [L.S.]
Chiefs:
Sho-e-mow-e-to-chaw-ca-we-wah-ca-to-we, or the wolf with the high back, his x mark, [L.S.]
We-che-gal-la, or the Little Moon, his x mark, [L.S.]
Ta-ton-ca-pa, or the Buffalo Head, his x mark, [L.S.]
J-a-pu, or the one who walks against the others, his x mark, [L.S.]
Warriors:
Ta-ke-che-sca, or the White Deer, his x mark, [L.S.]
Chah-pac-pah-ha, or the one that raises the War Club, his x mark, [L.S.]
Ta-ton-ca-hoo-oh-ca-la-eh-pa-ha, or the pile of Buffalo bones, his x mark, [L.S.]
Ma-te-wash-e-na, or the Little White Bear, his x mark, [L.S.]
Shong-ge-mon-e-to, or the Wolf, his x mark, [L.S.]
Shong-ge-mon-e-to-e-ah-ca, or the running Wolf, his x mark, [L.S.]
Nah-pa-ton-ca, or the Big Hand, his x mark, [L.S.]

Oh-kee-che-ta, or the Soldier, his x mark, [L.S.]
Tah-hi-o-ta, or the Lousy Man, his x mark, [L.S.]

In presence of-
G.H. Kennerly, U.S. special Indian agent,
John Gale, surgeon, U.S. Army,
D. Ketchum, major, U.S. Army,
B. Riley, captain, Sixth Infantry,
John Gantt, captain Sixth Infantry,
C. Pentland, captain, Sixth Infantry,
R.B. Mason, captain, First Infantry,
R.M. Coleman, U.S. Army,
G.C. Spencer, captain, First Infantry,
R. Holmes, lieutenant, Sixth Infantry,
M.W. Batman, lieutenant, Sixth Infantry,
Levi Nute, lieutenant, U.S. Army,
Wm.S. Harney, lieutenant, First Infantry,
Jas. W. Kingsbury, lieutenant, First Regiment Infantry,
Wm. Armstrong, captain, Sixth Regiment Infantry,
S.W. Kearny, brevet major, First Infantry,
H. Leavenworth, brevet colonel, Sixth Infantry,
J.V. Swearengen, lieutenant, First Infantry,
R.M. Coleman, U.S. Army,
C. Harris, lieutenant, First Infantry,
Wm. Day, lieutenant, U.S. Army,
S. Wragg, adjutant, First Regiment Infantry,
Thos. P. Gwynn, lieutenant, First Infantry.

Dull Knife run honors ancestors and youth

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CUSTER, S.D. – The road from Fort Robinson in Nebraska to the Northern Cheyenne reservation in Montana is 400 miles, yet runners as young as 7 made the run to honor ancestors who lost their lives at the fort while attempting to return home.

The annual Fort Robinson Outbreak Spiritual Run is primarily a ceremonial run to honor the ancestors. It also brings youth and adults together, teaches history and culture and creates a bond between family, youth and elders.

Now in its eighth year, the run continues to draw more runners and supporters each year. Chaperones, van drivers and organizers are all volunteers.

More than 120 runners – with an average age of about 15 – participated in the commemorative run that also encourages continued healing among the Northern Cheyenne. The majority of those runners were female, said Philip Whiteman Jr., organizer of the commemorative event.

"Females are the foundation of our tribe: they are sacred. We learn traditional and sacred ways on this run from the teachings," he said.

The young men carry a prayer staff that leads all the runners and the female runners follow in support.

The Oglala Lakota, close allies of the Cheyenne, joined the runners this year. On the first night of the run, the Oglala tribal council honored Oglala runners with a special ceremony and feast which was also attended by six members of the Northern Cheyenne council and current Tribal President Eugene Little Coyote.

This year, the Northern Cheyenne Tribal Council became more active then in previous years. The council will promote more cultural learning and activities, a tribal spokesman said.

Kaysha Two Two, 13, Northern Cheyenne from Billings, Mont., ran with the group for the second time.

"We learn a lot of history and we learn the culture and about family ties," she said.

Steven Horn, 18, has participated in every run. Horn is from Lame Deer, Montana. He said this year was a good run and the runners were lucky to have good weather. Last year, frigid temperatures and wind made for a difficult journey.

"The biggest changes that I have seen are when we started there were 25 runners; now we have more then 100," Horn said.

In 1876, the Cheyenne had been rounded up and sent to Oklahoma Indian territory where many of them died from overexposure to humidity and heat. The decision to return was made by the council of the Cheyenne. The people were split into two groups: one led by Chief Little Wolf, the other by Chief Dull Knife.

With the military in pursuit, they traveled through territory already partially inhabited by non-Indian settlers. Little Wolf managed to return to the homeland through evasive tactics; Dull Knife finally surrendered to the military, and he and his people were taken to Fort Robinson.

Men and women were separated. They were not given adequate food or water, and lived without heat for five days as preparations were made to return them to Oklahoma. But the group, not willing to return to Oklahoma, convinced Dull Knife to lead them and head for their homeland.

On Jan. 9, 1879, Dull Knife and his people, mostly women and children, attempted the escape. Most were killed at the fort. Twenty-six managed to flee into the hills, only to be hunted down and executed; a few others were given shelter by Red Cloud's people, who were camped at the Red Cloud Agency near Fort Robinson.

Dull Knife was protected by his Oglala friends and given sanctuary at the Pine Ridge Agency.

The 26 were buried where they were killed. That location is now referred to as The Last Hole. It was not until October 1993 that the remains of 18 of the Cheyenne were repatriated to the Northern Cheyenne reservation by the Dog Soldiers.

It is in honor of those who died at the fort and those repatriated to the Northern Cheyenne reservation that the Fort Robinson Outbreak Run takes place. The run ends at the gravesite of those 18 souls in Busby, Mont.

The first run to commemorate the Fort Robinson breakout involved nine descendants who ran a 76-mile loop around the Northern Cheyenne reservation. In 1999 it was decided to make the full 400-mile run from Fort Robinson through the Black Hills to the reservation in Montana.

One of the adults participating in this year's run was Lee Lone Bear, a descendant of Strong Left Hand, who lost his life at Fort Robinson. Strong Left Hand sacrificed his life to save Dull Knife, Lone Bear said.

This year's run may have received a special blessing, many participants say. While on the run through Wind Cave National Park, a runner dropped the sacred prayer staff. When Whitman picked up the staff he saw a whole buffalo carcass and, above it, two eagles.

He said he didn't know the significance, but that the incident did have a meaning.

Whiteman picked up the prayer staff and cleansed it before the run could continue.

"It is like our nation. We pick ourselves up, cleanse ourselves and move forward. That is what the people are feeling today: we pick ourselves up." Whiteman said.

Fort Robinson

Helen Hunt Jackson

Conflict between whites and Indians began with the first colonial landings and continued undiminished into the late nineteenth century. At that time the United States finally completed its conquest of the continent and extended its authority over all the lands formerly belonging to the Indians. After the Civil War, as whites began moving in large numbers along the new rail lines into areas west of the Mississippi River, the U.S Army fought a series of wars against the larger and more combative of the Indian nations, notably the Comanche, the Apache, the Kiowa, the Cheyenne, and the Sioux. The Indians won occasional victories, such as the one over former Civil War General George A. Custer at the Little Bighorn in 1876, but most of the time they fell victim to the superior organization, supplies, and firepower of the whites. Whites' slaughter of the vast buffalo herds on which the Indians had based their lives- thirteen million buffalo had been killed by 1883-virtually assured the crushing of the tribes.

The Plains Indians were confined almost entirely to reservations, large tracts of land where, with the protection and economic aid of the Indian Office, it was thought that they might continue their nomadic, communal ways. But this policy was a failure. Tribal ranks, already severely depleted by the Plains wars, were further thinned by the growing scarcity of buffalo. Moreover, large tribes were often divided on widely scattered reservations, where resident (white) Indian agents usually proved unwilling or unable to prevent looting by settlers and the theft of funds earmarked for Indian assistance.

The excerpt from Helen Hunt Jackson's *A Century of Dishonor* reprinted below illustrates the plight by the 1870s of the Cheyenne, who had been separated into two reservations, one in Oklahoma and the other in Montana-Wyoming, and who also had been victims of one of the period's most brutal massacres, at Sand Creek, Colorado, in 1864. A *Century of Dishonor* helped move government policy from subjugation and control of Indians toward their acculturation into white society by way of education and individual land ownership. An 1887 act of Congress distributed reservation lands as Indian farming plots and also released millions of acres for white settlement. The last major military clash between the government and the Indians came with the slaughter of scores of Sioux families in 1890 at Wounded Knee, South Dakota.

Helen Hunt Jackson, born in Amherst, Massachusetts, in 1830, was the daughter of a professor and was a childhood friend of poet Emily Dickinson. After the death in 1863 of Jackson's first husband, a Union army officer, she earned her living by writing poems, stories, and travel pieces. In 1872 she moved to Colorado, where she married a

financier, grew concerned over the plight of the Indians, wrote *A Century of Dishonor*, published in 1881, which she sent to every member of Congress at her own expense. Jackson soon became a best-selling novelist and a forceful advocate for a new policy of Indian assimilation. Her life embodied two great ironies. She was married to a man who helped build the railroads that destroyed the habitat of the Plains tribes. And even though she was a famous writer, much of her early work remained wrapped in obscurity because sexual prejudice had sometimes forced her to assume masculine pen names. She died in San Francisco, at the peak of her fame, in 1885.

Sage, J., (1995). *Helena Hunt Jackson*. Retrieved August 8, 2006 from Northern Virginia Community College: http://www.sagehistory.net/gildedage/documents/HHuntJack.htm. No longer available at this link.

A CENTURY OF DISHONOR (1881)
HELEN HUNT JACKSON

The winter of 1877 and summer 1878 were terrible season for the Cheyennes. Their fall hunt had proved unsuccessful. Indians from other reservations had hunted the ground over before them, and driven the buffalo off, and the Cheyennes made their way home again in straggling parties, destitute and hungry. Their agent reports that the result of this hunt has clearly proved that "in the future the Indian must rely on tilling the ground as the principal means of support; and if this conviction can be firmly established, the greatest obstacle to advancement in agriculture will be overcome. With the buffalo gone, and their pony herds being constantly decimated by the inroads of horse-thieves, they must soon adopt, in all varieties, the way of the white man."

The ration allowed to these Indians is reported as being " reduced and insufficient," and the small sums they have been able to earn by selling buffalo hides are said to have been "of material assistance" to them in "supplementing" this ration. But in this year there have been sold only $657 worth of skins by the Cheyennes and Arapahoe's together. In 1876 they sold $17,600 worth. Here is a falling off enough to cause very great suffering in a little community of five thousand people. But this was only the beginning of their troubles. The summer proved one of unusual heat. Extreme heat, chills and fever, and "a reduced and insufficient ration," all combined, resulted in an amount of sickness heart-rending to read of "it is no exaggerated estimate," says the agent," to place the number of sick people on the reservation at two thousand. Many deaths occurred which might have been obviated had there been a proper supply of anti-malarial remedies at hand. Hundreds applying for treatment have been refused medicine."

The Northern Cheyennes grew more and more restless and unhappy." In council and elsewhere they profess an intense desire to be sent North, where they say they will settle down as the others have done," says the report; adding, with an obtuseness which is inexplicable, that "no difference has been made in the treatment of the Indians, "but that the "compliance" of these Northern Cheyenne's has been "of an entirely different nature from that of the other Indians," and that it may be "necessary in the future to compel what so far we have been unable to effect by kindness and appeal to their better natures."

If it is "an appeal to men's better natures" to remove them by force from a healthful Northern climate, which they love and thrive in, to a malarial Southern one, where they are struck down by chills and fever- refuse them medicine which can combat chills and fever, and finally starve them there indeed, might be said to have been most forcible appeals made to the "better natures" of these Northern Cheyennes. What might have been predicted followed.

Early in the autumn, after this terrible summer, a band of some three hundred of these Northern Cheyennes took the desperate step of running off and attempting to make their way back to Dakota. They were pursued, fought desperately, but were finally overpowered, and surrendered. They surrendered, however, only on the condition that they should be taken to Dakota. They were unanimous in declaring that they would rather die than go back to the Indian Territory. This was nothing more, in fact, than saying that they would rather die by bullets than of chills and fever and starvation.

These Indians were taken to Fort Robinson, Nebraska. Here they were confined as prisoners of war, and held subject to the orders of the Department of the Interior. The department was informed of the Indians' determination to never be taken back alive to Indian Territory. The army officers in charge reiterated these statements, and implored the department to permit them to remain at the North; but it was of no avail. Orders came- explicit, repeated, finally stern-insisting on the return of these Indians to their agency. The commanding officer at Fort Robinson has been censured severely for the course he pursued in his effort to carry out those orders. It is difficult to see what he could have done, except to have resigned his post. He could not take three hundred Indians by sheer brute force and carry them hundreds of miles, especially when they were so desperate that they had broken up the iron stoves in their quarters, and wrought and twisted them into weapons with which to resist. He thought perhaps he could starve them into submission. He stopped the issue of food; he also stopped the issue of fuel to them

It was midwinter; the mercury froze in that month at Fort Robinson. At the end of two days he asked the Indians to let their women and children come out that he

might feed them. Not a woman would come out. On the night of the fourth day- or, according to some accounts, the sixth-these starving, freezing Indians broke prison, overpowered the guards, and fled, carrying their women and children with them. They held the pursuing troops at bay for several days; finally made a last stand in a deep ravine, and were shot down-men, women, and children together. Out of the whole band there mere left alive some fifty women and children and seven men, who, having been confined in another part of the fort, had not had the good fortune to share in this outbreak and meet their death in the ravine. These, with their wives and children, were sent to Fort Leavenworth to be put in prison; the men to be tried for murders committed in their skirmishes in Kansas on their way to the north. Red Cloud, a Sioux chief, came to Fort Robinson immediately after this massacre and entreated to be allowed to take the Cheyenne widows and orphans into his tribe to be cared for. The Government, therefore, kindly permitted twenty-two Cheyenne widows and thirty-two Cheyenne children-many of them orphans –to be received into the band of the Ogallalla Sioux.

An attempt was made by the Commissioner of Indian Affairs, in his Report for 1879, to show by tables and figures that these Indians were not starving at the time of their flight from Indian Territory. The attempt only redounded to his own disgrace; it being proved, by the testimony given by a former clerk of the Indian Bureau before the Senate committee appointed to investigate the case of the Northern Cheyennes, that the commissioner had been guilty of absolute dishonesty in his estimates, and that the quantity of beef actually issued to the Cheyenne Agency was hundreds of pounds less than he had reported it, and that the Indians were actually, as they had claimed, "starving."

The testimony given before this committee by some of the Cheyenne prisoners themselves is heart-rending. One must have a callous heart who can read it unmoved.

When asked by Senator Jon T. Morgan, "Did you ever really suffer from hunger?" one of the chiefs replied, "We were always hungry; we never had enough. When they that were sick once in awhile felt as though they could eat something, we had nothing to give them."

"Did you not go out on the plains sometimes and hunt buffalo, with the consent of the agent?"

"We went out on a buffalo-hunt, and nearly starved while out; we could not find any buffalo hardly; we could hardly get back with our ponies; we had to kill a good many of our ponies to eat, to save ourselves from starving."

"How many children got sick and died?"

“Between the fall of 1877 and 1878 we lost fifty children. A great many of our finest young men died, as well as many women.”

“Old Crow,” a chief who served faithfully as Indian scout and ally under General Georgel Crook for years, said:” I did not feel like doing anything for awhile, because I had no heart. I did not want to be in this country. I was all the time wanting to get back to the better country where I was born, and where my children are buried, and where my mother and sister yet live. So I have laid in my lodge most of the time with nothing to think about but that, and the affair up north at Fort Robinson, and my relatives and friends who were killed there. But now I feel as though, if I had a wagon and a horse or two and some land, I would try to work. If I had something, so that I could do something, I might now think so much about these other things. As it is now, I feel as though I would just as soon be asleep with the rest.”

The wife of one of the chiefs confined at Fort Leavenworth testified before the committee as follows: “The main thing I complained of was that we didn’t get enough to eat; my children nearly starved to death; then sickness came, and there was nothing good for them to eat; for a long time the most they had to eat was corn-meal and salt. Three or four children died every day for awhile, and that frightened us.”

When asked if there was anything she would like to say to the committee, the poor woman replied; “I wish you would do what you can to get my husband released. I am very poor here, and do not know what is to become of me. If he were released he would come down here, and we would live together quietly, and do no harm to anybody, and make no trouble. But I should never get over my desire to get back north; I should always want to get back where my children were born, and died, and were buried. That country is better than this in every respect. There is plenty of good, cool water there-pure water-while here the water is not good. It is not hot there, nor so sickly. Are you going where my husband is? Can you tell when he is likely to be released?”…

It is stated also that there was not sufficient clothing to furnish each Indian with a warm suit of clothing, “as promised by the treaty,” and that, “by reference to official correspondence, the fact is established that the Cheyennes and Arapahoes are judged as having no legal rights to any lands, having forfeited their treaty reservation by failure to settle thereon, “ and their “present reservation not having been, as yet, confirmed by Congress. Inasmuch as the Indians fully understood, and were assured that this reservation was given to them in lieu of their treaty reservation, and have commenced farming in the belief that there was no uncertainty about the matter as it is but common justice that definite action be had at an early day, securing to them what is their right.”

It would seem that there could be found nowhere in the melancholy record of the experiences of our Indians a more glaring instance of confused multiplication of injustices than this. The Cheyennes were pursued and slain for venturing to leave this very reservation, which, it appears, is not their reservation at all, and they have no legal right to it. Are there any words to fitly characterize such treatment as this from a great, powerful, rich nation, to a handful of helpless people?

Hunt Jackson, H. (1885). *A Century of Dishonor.* Harper & Brothers: New York.

The Fort Robinson Outbreak

After the people had been at Fort Robinson for two months, their freedom suddenly came to an end. Before they were counted by the soldiers, one woman had escaped and fled northeast to Pine Ridge Agency. Her husband found the separation hard to bear and went to see his wife. He was later found and brought back to Fort Robinson. As a result, all Cheyennes lost their privilege of moving freely about the fort. Thereafter, they were imprisoned in one barracks.

A sudden cold snap sent the temperature plunging: sometimes it got as cold as forty below zero. Then orders came through from the Indian Bureau: the Cheyennes were to be taken back to Oklahoma. When, on January 3, 1879, the Cheyennes were informed of this, their answer was the same as it had always been. They would not go back to Oklahoma; they would prefer to have the soldiers kill them outright then to die slowly in the south.

Captain Henry W. Wessells, Jr., the commanding officer at Fort Robinson then went to the barracks with an ultimatum: agree to go south or go cold and hungry. Once more the Cheyennes refused. From that time on, they were given neither food nor firewood. Wrapping up in their thin blankets, the people burned whatever furniture there was. The few scraps of food they had managed to save were rationed out to the children.

A few days after that, Wessells ordered that the Cheyennes were to get no more water, not even drinking water. He offered to take care of the women and children if they would come out, but the people refused to even answer him. Now, in order to get water they were forced to scrape frost from the windows.

On January 9, Captain Wessells called Morning Star, Old Crow and Wild Hog to a council. Fearing a trap, the people refused to allow Morning Star to leave the barracks. Instead, Strong Left Hand went with Wild Hog and Old Crow to meet with Wessells. After trying unsuccessfully to get them to sign a surrender agreement, Wessells ordered Wild Hog and Old Crow to be put in irons. Strong Left Hand ran out the door and back to the barracks where he told the others what had happened.

The younger men were ready to fight, expecting the soldiers to attack and minute. The rifles they had hidden were taken from beneath the floorboards of the barracks. Men without guns armed themselves with the women's household knives or grabbed pieces of boards for clubs. Although the soldiers did not attack, the Cheyennes were desperate. For days they had gone without food, water or firewood. They would not return to Oklahoma and it would be better to die free men then to remain imprisoned in the barracks.

About ten o'clock that night, they made their desperate try for freedom. Dog soldiers broke out the windows of the barracks, shooting the sentries, and then leaping to the ground to try and cover the escape. The door was broken down and the people streamed out into the snow. Some ran to a nearby creek for water. Weakened by lack of food and water, numbed by cold,

the Cheyennes moved as quickly as they could, heading for some bluffs two miles from the fort. Behind them, the soldiers were firing, leaving the way strewn with dead and wounded. One boy, who was then thirteen or fourteen years old, gave this account quoted in George Bird Grinnell's: *The Fighting Cheyennes*:

"One group of people was ahead of the main body and the soldiers, who had saddled up, in going around on horseback, came in between the leading party and those behind them. I did not understand the words of the troop commander, but he kept calling out orders and the troops went without firing a shot at us. They made a circle and came back in front of us and dismounted, and all the Indians dropped to the ground. Just as the people dropped, the troops fired on them. A good many were killed here, but some young men jumped up and ran through the line of soldiers who were standing ten to twelve feet apart and so escaped. I was not hit by bullets, but the powder from a close shot had burned me.

After running a hundred yards, we came to some great sandstone bluffs, in which there were large holes, and into these holes we crept. We could hear the women and children crying, and at last the shooting stopped. Some time after it stopped, wagons were heard coming. In the wagons they must have loaded up all who were left alive, for as they went back, women could be heard crying. After this we heard the wagons coming back again and going away, taking the dead.

Next morning at daybreak we saw the soldiers marching in the direction of the people who had gone on beyond, but only about a mile farther. When the soldiers came up with them, we could here the guns and the yelling. They fought there until sundown, and at that time a troop of cavalry came to where we were hidden. There were five of us, and we had one pistol. The troops began to shoot into the holes where we were and kept shooting, and presently all had been killed except me. When I looked about and saw that every one of my friends was dead, I did not know what to do. I waited and at length the soldiers stopped firing.

I thought then that I might as well go out as stay in there, and I walked out of the hole in which I had been hidden and went toward the soldiers. A white man called out something and no one fired at me. The officer rode toward me and drew his saber, but did not strike me with it. When the officer had come close to me, he reached out his hand and I stretched out my hand, and we shook hands. The officer called up his soldiers and they surrounded me. I was not tied up, but was helped up behind a soldier on his horse and taken to the post."

The soldiers hunted the Cheyennes for twelve days. In the end, of the 149 persons originally imprisoned at Fort Robinson, 61 were killed. Many of the survivors were badly wounded. For a time it was thought that Morning Star has been killed; however he and his family had become separated from the main body of Cheyennes and eventually reached Pine Ridge Agency several weeks later. Most of the captured Cheyennes were later taken to Pine Ridge Agency and allowed to remain there with the Oglalas. Though it had cost many lives and much hardship, the Cheyennes had earned the right to remain in the north.

Weist, Tom, *History of the Cheyenne People*. Billings, Mont. Council for Indian Education, 1977 - Included with curriculum.

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For The Cheyenne People

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STATE OF OUR NATION

■■■

PRESIDENT EUGENE D. LITTLE COYOTE

Our Education – Cultural Key

Education n. 1. the act or process of imparting or acquiring general knowledge and of developing the powers of reasoning and judgment. 2. the act or process of imparting or acquiring particular knowledge or skills, as for a profession. 3. a degree, level, or kind of schooling; a college education. 4. the result produced by instruction, training, or study. 5. the science or art of teaching; pedagogics.
-Webster's Dictionary

This month's Tribal Report is spotlighting education. Because I have some para-education experience dealing with educational reform, I have a unique perspective and vision of education for the Northern Cheyenne. Having gone to schools in Boston, Mass., Lame Deer, Ashland, Colstrip, Ethete, Wyo., Busby and Billings I think I've a wide range of exposure to curriculum and philosophy that enhances my perspective on education. If there's an area I would focus my article on, it would be the innovations I've introduced through "Cheyenne Epic: The Story of the Tsi-tsi-stahs and Suhtio People."

First, a simple explanation of education, which is to teach people the necessary skills to get a job that earns them money to feed, clothe and shelter themselves and their families. The program I worked for emphasized a return to practical reasons for education-not to learn only for the sake of learning. A meaningful explanation of what education is for, is that education is an instrument for cultural transmission. In other words, it's a tool for a society to pass on its living viable culture to its future generations. This culture consists of the entire system including language, trade and economics, ethics, and values. Learners are taught

how to run the system, function in the system, prosper in the system and are even taught to maintain the system.

Now let me shift gears to some strong positions on the history of Cheyenne education beginning with an apology from former Assistant Secretary of the Interior Bureau of Indian Affairs Kevin Gover – not to insult but to understand the roots of it all. He said that after devastating tribal economies the Bureau of Indian Affairs created a dependency on their services, then set out to destroy all things Indian. Grover expressed Indian people were made to be ashamed of themselves and that worst of all, this was accomplished through the brutalization of the children entrusted to the government's care. Most Indian educators are familiar with the old saying: kill the Indian, save the child.

Joe Little Coyote, Sr., who has a graduate degree from Harvard University, wrote of this in tribal documents regarding the lawsuit against St. Labre, which described our defenseless children who were torn from the security of their homes and loving families then placed in a near prison state where they were abused and psychologically conditioned to believe that they were of a fallen nature because they were Indian and therefore deserved to be abused, deserved to be poor. Joe, my father, was most likely describing his personal experience and observations of so called Indian education. He wrote this education often produced submissive, fearful and dysfunctional adults.

I'm reminded now of some of his cultural teachings he shared with me concerning the prophecies of Sweet Medicine. In foretelling of the coming of the Euro American, Sweet Medicine warned the Cheyenne not to give up their flesh to these people. We see that Sweet Medicine was talking about not giving up our very own children-our flesh-to these religious and government boarding schools because of what it would do to them and to our future. He had foreseen the devastating effects it would have on our nation, and the psyche of our most cherished, beautiful, innocent, defenseless children. With nobody to protect them from the abuses, he tried to warn us. Looking at it all, it was bad enough we were soul-scarred through decades of genocidal warfare. Then to experience generational trauma from harmful Indian education inflicted a nearly fatal wound on our nation that we are still trying to heal.

These concepts weren't taught in school, at least not in my time. These were things that were critical to know as a Cheyenne. We often say, "You must know where you come from to know where you are going." I'd add that you have to know what the grandfathers and grandmothers had to go through just so that we are alive and have some remaining homeland. It puts the status quo into proper perspective and compels us to change our impoverished conditions.

These things weren't taught to me, but they should have been. I discovered that I, like so many of my generation, suffered from what I call cultural amnesia. I also discovered that these things were intentionally hidden away, buried... and this angered me to the point of rage. I was compelled to develop an entire presentation

based on the things we don't talk about titled, The Hidden History of the Cheyenne.

From that point, I felt it was my duty to do more and to rely on our own people, our own cultural knowledge-our own educators to teach this hidden history. Thus, Cheyenne Epic: The Story of the Tsi-tsi-stahs and Suhtio People was born.

It wouldn't have been possible without the trust and confidence of a supportive supervisor, Roberta Harris, as well as the invaluable friendship and assistance of our Junior Path Makers group. I want to note that a tremendous cultural preservation success was accomplished in the early 1970s through the Northern Cheyenne Human Development and Research Association, which my parents were a part of. As long as I'm able and have the resources, I'll continue to conduct the tribal history camp: Cheyenne Epic. In fact, we look to hold another camp this summer.

Today there are other important concepts I speak on, such as colonization which is a sophisticated word for invasion, usurpation, exploitation and racism. However, the trend is now to move toward decolonization. I believe we should begin offering workshops or courses on this at the high school level.

Strongly suggested reading for such a course would include the books: The Colonizer & Colonized by Albert Memmi, The Pedagogy of the Oppressed by Paulo Ferrera, and selected works from the late Vine Deloria, like God is Red and Custer Died for Your Sins.

Also, I've given limited talks on globalization and how the Cheyenne should participate on our own terms rather then be swept up into the vortex or even be left behind. And to promote self-determination and development, I have a speech on the Perpetual State of Post-War Recovery, which is about economic independence and calls for Nation rebuilding.

This is partly what influenced the Tribal Vision of Returning to Greatness. In the name of our children and future our sacred responsibility before Maheo is to intelligently lead the Cheyenne out of despair into a new era of history through a reconciled tribal spirit to fulfill our self-determined destiny of self-sufficiency, sustainability and economic independence.

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EDITORIAL HEADQUARTERS:
TRIBAL REPORT, PO BOX 128, LAME DEER, MONTANA 59043, TELEPHONE (406) 477-8077
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Please refer to the included texts for further information regarding Chiefs Dull Knife and Little Wolf.

Black Kettle
(??-1868)

Few biographical details are known about the Southern Cheyenne chief Black Kettle, but his repeated efforts to secure a peace with honor for his people, despite broken promises and attacks on his own life, speak of him as a great leader with an almost unique vision of the possibility for coexistence between white society and the culture of the plains.

Black Kettle lived on the vast territory in western Kansas and eastern Colorado that had been guaranteed to the Cheyenne under the Fort Laramie Treaty of 1851. Within less than a decade, however, the 1859 Pikes Peak gold rush sparked an enormous population boom in Colorado, and this led to extensive white encroachments on Cheyenne land. Even the U.S Indian Commissioner admitted that "We have substantially taken possession of the country and deprived the Indians of their accustomed means of support."

Rather than evict the white settlers, the government sought to resolve the situation by demanding that the Southern Cheyenne sign a new treaty ceding all their lands save the small Sand Creek reservation in southeastern Colorado. Black Kettle, fearing that overwhelming U.S military power might result in an even less favorable settlement, agreed to the treaty in 1861 and did what he could to see that the Cheyenne obeyed its provisions.

As it turned out, however, the Sand Creek reservation could not sustain the Indians forced to live there. All but unfit for agriculture, the barren tract of land was little more than a breeding ground for epidemic diseases which soon swept through the Cheyenne encampments. By 1862 the nearest herd of buffalo was over two hundred miles away. Many Cheyennes, especially young men, began to leave the reservation to prey upon the livestock and goods of nearby settlers and passing wagon trains. One such raid in the spring of 1864 so angered white Coloradans that they dispatched their militia, which opened fire on the first band of Cheyenne they happened to meet. None of the Indians in this band had participated in the raid, however, and their leader was actually approaching the militia for a parlay when the shooting began.

This incident touched off an uncoordinated Indian uprising across the Great Plains, as Indian peoples from the Comanche in the South to the Lakota in the North took advantage of the army's involvement in the Civil War by striking back at those who

had encroached upon their lands. Black Kettle, however, understood white military supremacy too well to support the cause of war. He spoke with the local military commander at Fort Weld in Colorado and believed he had secured a promise of safety in exchange for leading his band back to the Sand Creek reservation.

But Colonel John Chivington, leader of the Third Colorado Volunteers, had no intention of honoring such a promise. His troops had been unsuccessful in finding a Cheyenne band to fight, so when he learned that Black Kettle had returned to Sand Creek, he attacked the unsuspecting encampment at dawn on November 29, 1864. Some two hundred Cheyenne died in the ensuing massacre, many of them women and children, and after the slaughter, Chivington's men sexually mutilated and scalped many of the dead, later exhibiting their trophies to cheering crowds in Denver.

Black Kettle miraculously escaped harm at the Sand Creek Massacre, even when he returned to rescue his seriously injured wife. And perhaps more miraculously, he continued to counsel peace when the Cheyenne attempted to strike back with isolated roads on wagon trains and nearby ranches. By October 1865, he and other Indian leaders had arranged an uneasy truce on the plains, signing a new treaty that exchanged the Sand Creek reservation for reservations in southwestern Kansas but deprived the Cheyenne of access to most of their coveted Kansas hunting grounds.

Only a part of the Southern Cheyenne nation followed Black Kettle and the others to these new reservation. Some instead headed north to join the Northern Cheyenne in Lakota a territory. Many simply ignored the treaty and continued to range over their ancestral lands. This latter group, consisting mainly of young warriors allied with a Cheyenne war chief named Roman Nose, angered the government by their refusal to obey a treaty they had not signed, and General William Tecumseh Sherman launched a campaign to force them onto their assigned lands. Roman Nose and his followers struck back furiously, and the resulting standoff halted all traffic across western Kansas for a time.

At this point, government negotiators sought to move the Cheyenne once again, this time onto two smaller reservations in Indian Territory (present-day Oklahoma) where they would receive annual provisions of food and supplies. Black Kettle was again among the chiefs who signed this treaty, the Medicine Lodge Treaty of 1867, but after his people had settled on their new reservation, the did not receive the provisions they had been promised, and by the year's end, more and more of them were driven to join Roman Nose and his band.

In August 1868, Roman Nose led a series of raids on Kansas farms that provoked another full-scale military response. Under General Philip Sheridan, three columns of the troops converged to launch a winter campaign against Cheyenne encampments, with the Seventh Cavalry commanded by George Armstrong Custer selected to take the lead. Setting out in a snowstorm, Custer followed the tracks of a small raiding party to a Cheyenne village on the Washita River, where he ordered an attack at dawn.

It was Black Kettle's village, well within the boundaries of the Cheyenne reservation and with a white flag flying above the chief's own tipi. Nonetheless, on November 27, 1868, nearly four years to the day after Sand Creek, Custer's troops charged, and this time Black Kettle could not escape: "Both the chief and his wife fell at the river bank riddled with bullets," one witness reported, "the soldiers rode right over Black Kettle and his wife and their horse as they lay dead on the ground, and their bodies were all splashed with mud by the charging soldiers." Custer later reported that an Osage guide took Black Kettle's scalp.

On the Washita, the Cheyenne's hopes of sustaining themselves as an independent people died as well; by 1869, they had been driven from the plains and confined to reservations.

Public Broadcasting Services. (2001). The West Film Project. Retrieved August 6, 2006 from the World Wide Web with permission: http://www.pbs.org/weta/thewest/people/a_c/blackkettle.htm

Archive Material supplied by WETA-TV, Washington, D.C.

Lame Deer Schools
Northern Cheyenne Social Studies Model Lesson

Lesson Title
Who Owns the Tongue Riverbed?

Grade Level
High School

Time
One – two class periods

Lesson Summary
Students analyze the different points of view in a lawsuit over ownership of the Tongue River riverbed.

Core Understanding 4
Contemporary issues affecting the Cheyenne today have historic contexts.

Montana Social Studies Content Standard 2
Students analyze how people create and change structures of power, authority, and governance to understand the operation of government and to demonstrate civic responsibility.

Essential Understanding 6
History is a story and most often related through the subjective experience of the teller. With the inclusion of more and varied voices, histories are being rediscovered and revised. History told from American Indian perspectives frequently conflicts with the stories mainstream historians tell.

Materials
1884 Executive Order creating the Northern Cheyenne Reservation and the amendment changing the boundary to the middle channel of the Tongue River, articles related to the Fidelity Exploration & Production Company lawsuit against the Northern Cheyenne Tribe, photographs of the Tongue River, digital cameras.

Engagement
Display photographs of the Tongue River. Read the Tongue River boundary amendment. Ask students who they think has authority to manage the portion of the Tongue River that flows through the reservation. Ask students to give reasons for their response.

Exploration
Give Billings Gazette article to class and read it aloud.
Write the following questions on the board for students to answer – they can refer back to the article:
"Who filed a lawsuit against the Northern Cheyenne?"
"What was the complaint about?"
"What was Governor Judy Martz's position on the lawsuit?"
"Who are the members of the State Land Board? How did they vote on the issue?"

Explanation
Arrange students in groups of 3-4. Assign three groups the following sides in this situation:
Northern Cheyenne Tribal Council
State Land Board
Governor Martz & her attorney

Assign a fourth group the role of the court that will "decide" the case in a simulation.

Assign a fifth group the role of journalists who will write a story after the court presentation.

Each group will research points made by the side they have been assigned. They will then create as persuasive a presentation as possible to formally present to the "court". Remind students that they do not have to agree with the side that they have been assigned!

Set up the classroom for the court presentation. Hold the presentation. After the three sides have made their points known, allow the "court" 15 minutes to make and write their decision. While the court is deciding, have the "journalists" take statements and photographs.

Elaboration
Recreate the court simulation during the evening and invite the Tribal Council and community to attend!

Northern Cheyenne Reserve.

[In Tongue River Agency; area, 765 square miles; established by Executive orders only.]

EXECUTIVE MANSION, *November 26, 1884.*

It is hereby ordered that the following-described country, lying within the boundaries of the Territory of Montana, viz: Beginning at the point on the one hundred and seventh meridian of west longitude (said meridian being the eastern boundary of the Crow Indian Reservation) where the southern 40-mile limits of the grant to the Northern Pacific Railroad company intersects said one hundred and seventh meridian; thence south along said meridian to a point 30 miles south of the point where the Montana base line, when extended, will intersect said meridian; thence due east to a point 12 miles east of the Rosebud River; thence in a northerly and northeasterly direction, along a line parallel with said Rosebud River and 12 miles distant therefrom, to a point on the southern 40-mile limits of the grant to the, Northern Pacific Railroad Company, 12 miles distant from said Rosebud River; thence westerly along the said southern limits and across the said Rosebud River to the place of beginning, be, and the same is hereby, withheld from sale and settlement, and set apart as a reservation for the use and occupation of the Northern Cheyenne Indians, now residing in the southern portion of Montana Territory, and such other Indians as the Secretary of the Interior may see fit to locate thereon: *Provided, however,* That any tract or tracts of land included within the foregoing described boundaries which have been located, resided upon, and improved by bona fide settlers, prior to the 1st day of October, 1884, to the amount to which such settlers might be entitled under the laws regulating the disposition of the public lands of the United States, or to which valid rights have attached under said laws. Are hereby excluded from the reservation hereby made.

CHESTER A ARTHUR.

Northern Cheyenne Reserve.

[In Tongue River Agency; area, 765 square miles; established by Executive orders only.]

EXECUTIVE MANSION, November 26, 1884.

It is hereby ordered that the following-described country, lying within the boundaries of the Territory of Montana, viz: Beginning at the point on the one hundred and seventh meridian of west longitude (said meridian being the eastern boundary of the Crow Indian Reservation) where the southern 40-mile limits of the grant to the Northern Pacific Railroad Company intersects said one hundred and seventh meridian; thence south along said meridian to a point 30 miles south of the point where Montana base line, when extended, will intersect said meridian; thence due east to a point 12 miles east of the Rosebud River; thence in a northerly and northeasterly direction, along a line parallel with said Rosebud River and 12 miles distant there from, to a point on the southern 40-mile limits of the grant to Northern Pacific Railroad Company, 12 miles distant from said Rosebud River; thence westerly along the said southern limits and across the said Rosebud River to the place of beginning, be, and the same is herby, withheld from sale and settlement, and set apart as a reservation for the use and occupation of the Northern Cheyenne Indians, now residing in the southern portion of Montana Territory, and such other Indians as the Secretary of the Interior may see fit to locate thereon: *Provided, however*, That any tract or tracts of land included within the foregoing described boundaries which have been located, resided upon, and improved by bona fide settlers, prior to the 1st day of October, 1884, to the amount to which such settlers might be entitled under the laws regulating the disposition of the public lands of the United States, or to which valid rights have attached under said laws, are hereby excluded from the reservation hereby made.

CHESTER A. ARTHUR.
EXECUTIVE MANSION, March 19, 1900

It is hereby ordered that the following-described tract of land lying in the State of Montana, the same being the tract described in Senate bill 2173, 56th Congress, 1st session, which tract includes the lands embraced in the boundaries set forth in Executive order issued November 26, 1884, relative to

the Northern Cheyenne reserve, be, and the same is hereby, withdrawn from sale and settlement and set apart as a reservation for the permanent use and occupation of the Indians now occupying or belonging upon the Northern Cheyenne Reservation, which reservation shall be known as the Northern Cheyenne Indian Reservation. Viz:

Beginning at the point in the middle of the channel of Tongue River and its intersection with the southern forty-mile limits of the grant to the Northern Pacific Railroad Company; thence west on the said southern forty-mile limits to its intersection with the eastern boundary line of the Crow Indian Reservation; thence south on said boundary line to its intersection with the line dividing townships five and six south; thence east on said dividing line of townships five and six south; to its intersection with the line dividing ranges forty and forty-one east; thence north on said line dividing ranges forty and forty-one east to the line dividing townships four and five south; thence east on the line townships four and five south to its intersection with Cook Creek; thence down Cook Creek to its confluence with Tongue River; thence down the middle of the channel of Tongue River to the place of beginning; *Provided, however*, That if upon the survey or resurvey of the boundary lines already established it shall be found that the main stream of Cook Creek on or near the range line between ranges forty and forty-one lies south of the line dividing townships four and five south, then in that case the line running north on the range line between ranges forty and forty-one shall extend north only to the intersection of said line with the main stream of Cook Creek, and thence down Cook Creek as hereinbefore provided: *Provided further,* That in the erection of the reservation boundary fence along said Cook Creek the same shall be so erected as to divide the waters as near as may be between the north and south sides thereof: *Proved further*, That certain tracts approximating sixty-five acres, lying west of Tongue River, in sections twenty-six and thirty-four south, of range forty-three east, owned by Joseph Scott, and the northeast quarter of section three in township three south, of range forty-four east, belonging to Saint Labra's Mission, and the south half of the northwest quarter or section ten in township two south, of range forty-four east, belonging to R.P Colbert, and the south half of section seven, in township two south, range forty-four east, belonging to John Barringer, shall be excepted from and not included within the reservation boundaries named.

WILLIAM MCKINLEY.

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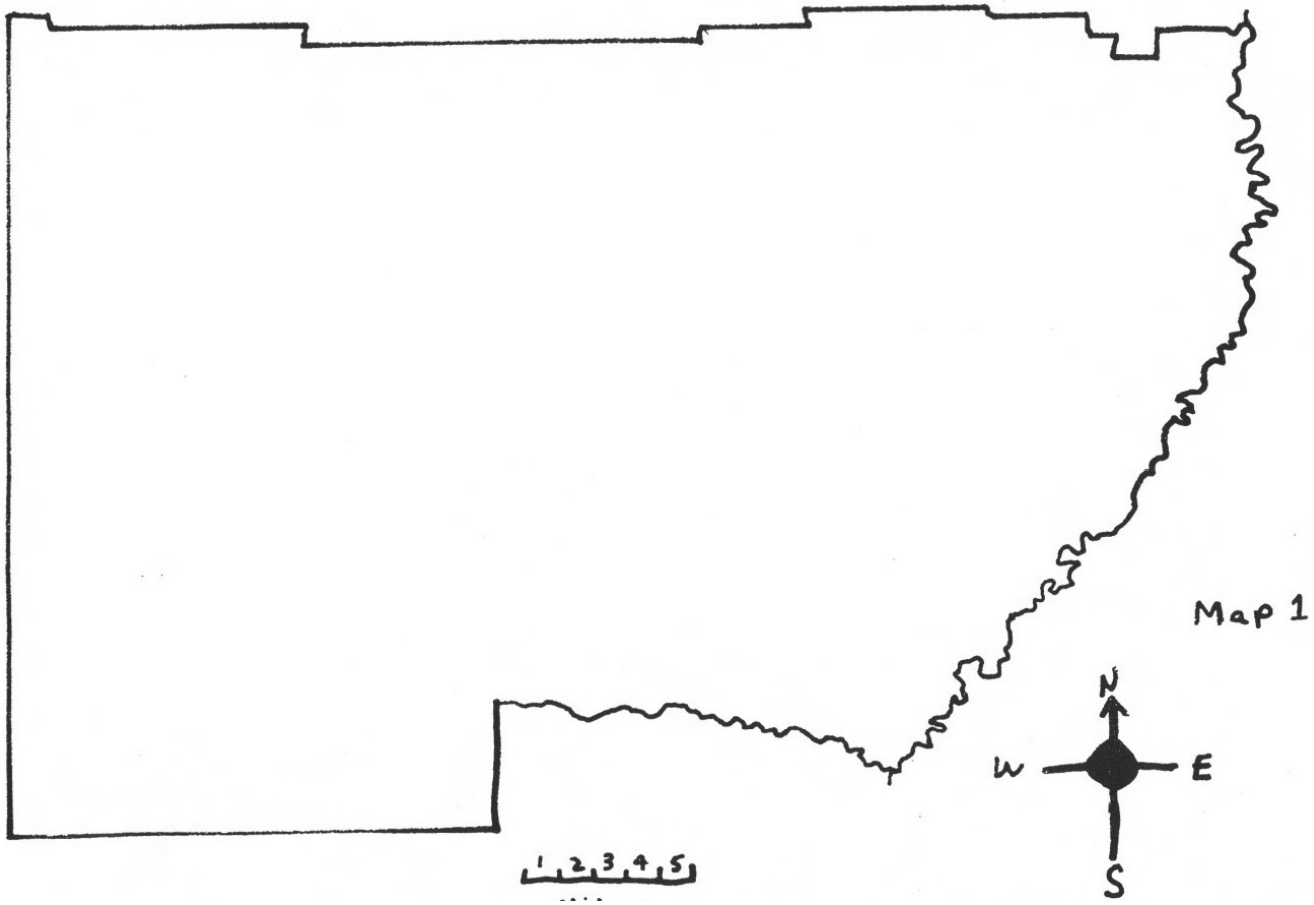
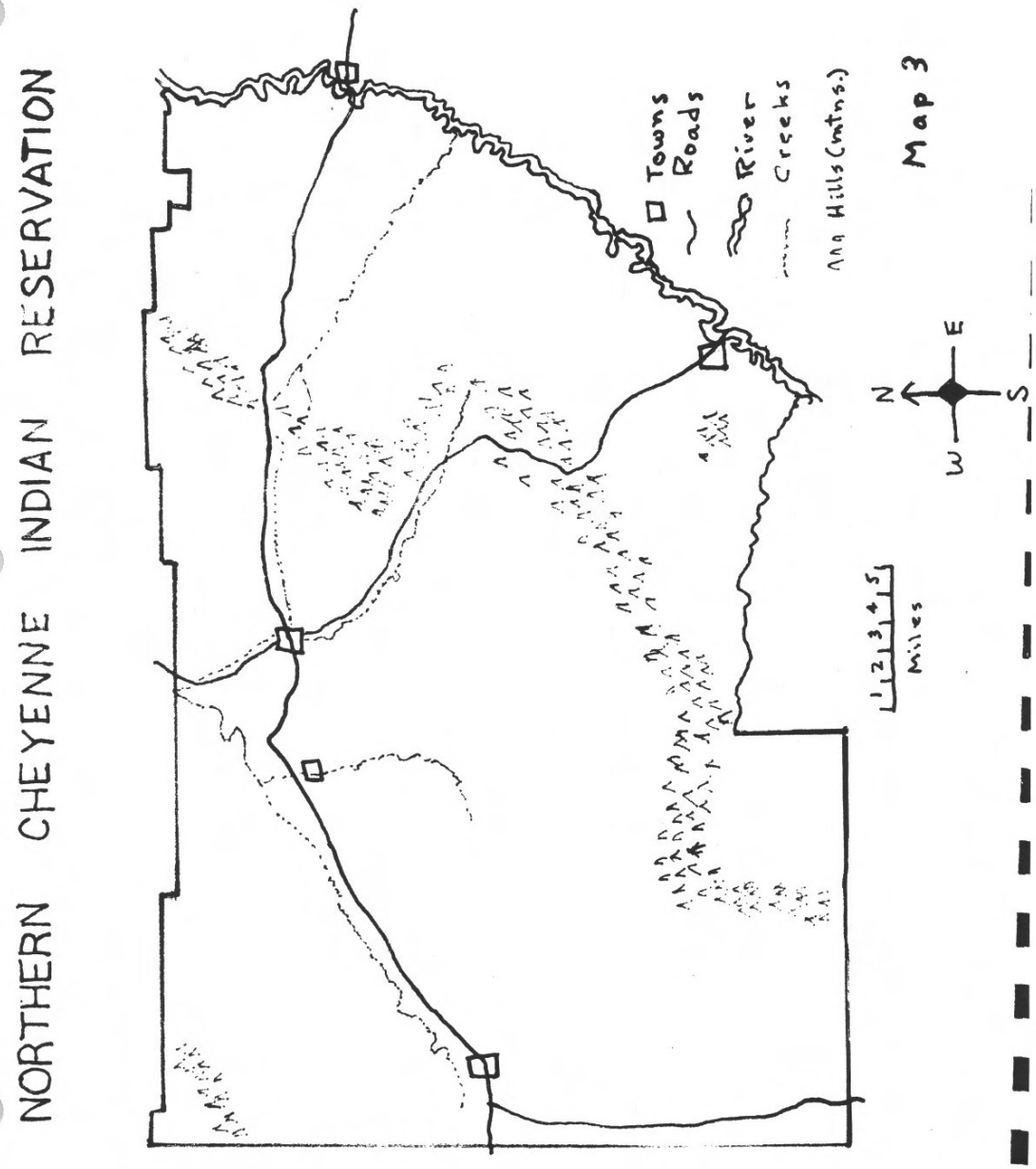
NORTHERN CHEYENNE INDIAN RESERVATION
OUTLINE MAP




NORTHERN CHEYENNE INDIAN RESERVATION
Towns
Roads
River
Creeks
Hills (mtns.)
Map 3
N
E
S
W
1 2 3 4 5
Miles

McGrath plans to sue Martz

By BOB ANEZ – Associated Press Writer – 10/30/04

HELENA – Attorney General Mike McGrath plans to sue Gov. Judy Martz in a constitutional showdown over the governor's decision to get the state involved in a legal fight over ownership of an eastern Montana river.

McGrath, a Democrat, said Friday he will file a lawsuit against the Republican governor next week, alleging she has violated the Montana Constitution by having her attorney intervene in the federal court case on behalf of the state.

The complaint, which will be filed Wednesday with the Montana Supreme Court, also will claim she overstepped her legal bounds in ordering him to help represent the state in the lawsuit, he said.

"The governor has exceeded her constitutional authority to enter into a lawsuit on behalf of the state of Montana," McGrath, the state's chief legal officer, told The Associated Press.

"If the attorney general wants to go the Supreme Court, that's certainly his right." Martz responded. She said she believes the constitution and laws give the chief executive the power that McGrath is contesting.

The confrontation between the two state officers arises from a decision by the state Land Board on Oct. 18 to reject Martz's request that the state intervene in a lawsuit over whether the state owns the bed and banks of the Tongue River.

McGrath, a member of the board with Martz and three other state officials, said it was premature for the state to get involved. The next day Martz said she would go it alone, and McGrath said she could intercede as governor but not in the name of the state.

She said she has a duty to protect all state assets and that includes the bed of the Tongue River, from under which a company wants to extract coal-bed methane.

The federal lawsuit challenges a claim that the Northern Cheyenne Tribe owns half the riverbed because the eastern boundary of its reservation bisects the waterway. The complaint was filed in July by Fidelity Exploration & Production Co., which obtained seven oil and gas leases from the state in 2002 to drill for coal-bed methane from under lands adjoining the river.

The question of riverbed ownership is important because it will determine who gets some of the royalties from any production on the surrounding land, and tribal ownership would mean the state leases are invalid.

After McGrath learned James Santoro, Martz's attorney, asked a federal judge to let the state intervene, McGrath wrote him a letter Tuesday saying Santoro did not have authority to speak for the state.

"You are directed to refrain from taking any action on behalf of the state or the Board of Land Commissioners," he said, telling Santoro to advise the federal court he doesn't represent the state.

Martz said no. In a letter Thursday to McGrath, she said she has the power to represent the state on her own and to order McGrath to lend a hand.

McGrath said his Supreme Court lawsuit will challenge the constitutionality of a law that Martz is relying upon in ordering him to assist.

The attorney general is an elected official independent from the governor," he said. "She has no authority under the constitution to direct me to do anything."

On Friday, Martz questioned McGrath's reluctance to get involved. "I don't understand why the attorney general fears not wanting to find out who owns this land. That's all I want to do," she said.

McGrath told fellow Land Board members last week that it was a matter of timing. State involvement was unwarranted unless someone challenges the Fidelity leases, he said, and warned a court fight could have unknown effects on a water rights agreement between the state and the Northern Cheyenne.

"I think the attorney general is taking this personally," Martz said Friday. "There's nothing personal about this."

Anez, B. (2004, October 30). McGrath plans to sue Martz. *Independent Record*.
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Schweitzer: Effort to intervene in river dispute dropped

By BECKY BOHRER
Associated Press Writer

BILLINGS, Mont. (AP) – Gov. Brian Schweitzer said Monday that the state will not move ahead with an effort to intervene in a legal dispute involving ownership of the Tongue River, which forms the eastern boundary of the Northern Cheyenne reservation.

Schweitzer, in a letter to tribal President Eugene Little Coyote, said he wants to improve relations between the state and the tribe and believes that an effort initiated by former Gov. Judy Martz to involve the state in a federal lawsuit over ownership of the riverbed would not help that objective.

An attorney from the governor's office notified the U.S. District Court on Monday that the state was withdrawing its request to get involved.

"My interest is in exploring whether the interested parties can work through and resolve their differences cooperatively, rather then through divisive litigations," Schweitzer wrote.

The decision follows a meeting on the reservation last month between state and tribal leaders. There, Little Coyote urged Schweitzer to stay out of the case and withdraw a motion to intervene that had been filed while Martz was in office.

Little Coyote told Schweitzer that intervening in the case could be "extremely detrimental" to relations between the tribe and state. The tribe believes the reservation's eastern border is the middle channel of the river in southeast Montana.

The case dates to last summer, when Fidelity Exploration & Production Co., filed a federal lawsuit over ownership of the Tongue River bed. The energy development firm obtained seven oil and gas leases from the state in 2002, but its attorneys later found an apparent conflict in ownership in a federal order signed in 1900 that said the tribe held interest in at least half the width of the bed.

The state Land Board voted against getting involved but Martz tried to involve the state anyway, contending that rights to taxes and royalties from any development were at stake.

Attorney General Mike McGrath filed a petition with the Montana Supreme Court in November, claiming that Martz had exceeded her authority by trying to involve the state. McGrath asked the court to dismiss the petition as Schweitzer was about to take office, and the court did.

Schweitzer, in Monday's letter, told Little Coyote that while the state and tribe "likely disagree on the issue of title to the riverbed," he believes the title issue needn't be resolved right now. Schweitzer said the two sides could instead try to resolve related issues, such as the establishment of "environmentally sound" water quality regulations for the river.

"Unlike the title issue, these matters are ones which we can come to the table to discuss and thereby attempt to avoid the divisiveness and expense of litigation," Schweitzer wrote.

Little Coyote said he was "elated" by Schweitzer's decision.

"I'm glad he made the right decision," Little Coyote said. "It doesn't completely solve the case, or dismiss the case, but it's a wonderful feeling we don't have to take on Fidelity and the state of Montana at the same time."

Bruce Williams, vice president of operations for Fidelity, said the state can certainly choose not to get involved. But, he said, "We still don't quite understand why a party that has an economic interest at stake wouldn't want to participate."

Bohrer, B. (2005, February 7). Schweitzer: Efforts to intervene in river dispute dropped. *Casper Star - Tribune.*

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Martz pursues state's claim to river

Associated Press
HELENA – A day after the state Land Board rejected her request to get the state involved in a lawsuit over ownership of a river in eastern Montana, Gov. Judy Martz decided Tuesday to enter the legal fight herself.

She said she has a duty to protect all state assets and that includes the bed of the Tongue River, from under which a company wants to extract coal bed methane.

"Based upon actual historic use prior to statehood, the state of Montana has conclusive ownership of the active bed of the Tongue River, and the state of Montana should be the rightful owner of any mineral royalties for our schools which are produced from the disputed lands," Martz said.

She said her office will ask to intervene in a federal lawsuit challenging a claim that the Northern Cheyenne Tribe owns half the riverbed because the eastern boundary of its reservation bisects the waterway.

The suit was filed in July by Fidelity Exploration & Production Co., which obtained seven oil and gas leases from the state in 2002 to drill for coal-bed methane from under lands adjoining the river.

The question of riverbed ownership is important because it will determine who gets some of the royalties from any production on the surrounding land, and tribal ownership would mean the state leases are invalid.

Martz called the Land Board's 3-2 decision Monday a "sad day for the state of Montana."

The three Democratic members – Attorney General Mike McGrath, state Auditor John Morrison and Superintendent of Public Instruction Linda McCulloch – voted against authorizing state involvement in the suit. Martz and her fellow Republican, Secretary of State Bob Brown, favored the move.

Martz pursues state's claim to river. (2004, October 10). *The Billings Gazette*.
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Dispute over Montana Riverbed Roiling along Northern Cheyenne Reservation

November 29, 2004 - By Becky Bohrer, Associated Press

ASHLAND, Mont. – For the Northern Cheyenne, it's about defending a special resource and the border of their reservation. For an energy development firm, it's about business. And for Montana's governor, it's about protecting the state's financial interests and assets, which she insists include the bed of the Tongue River.

Ownership of the riverbed, along the eastern border of the tribal reservation is southeastern Montana, is at the heart of a legal dispute over leases the state sold to Fidelity Exploration & Production Co. for natural gas development.

The big question: When the boundary of an Indian reservation is a river, who owns the riverbed?

The tribe insists it owns at least half the width of the riverbed. The state believes it owns the entire riverbed and had the right to sell leases to Fidelity.

"The ramifications are huge," said Eugene Little Coyote, the tribe's newly elected president. "It could affect everything - - our culture, our sovereignty, our water quality. … This is probably the most pressing tribal issue we have now."

Denver-based Fidelity filed a lawsuit in July, asking a judge to determine who owns the riverbed. The company did so after its attorneys noticed an apparent conflict in ownership: While the state sold Fidelity the mineral leases in 2002, a federal order signed in 1900 that extended the reservation's eastern boundary to the river said the Northern Cheyenne had interest in at least half the width of the riverbed.

Mike Caskey, Fidelity's executive vice president and chief operating officer, said the company sees itself as a "innocent third party" that got wrapped into a dispute over ownership.

We can't do anything until we know who owns (the land)," he said.

Giving up the leases now isn't an option, Caskey said. Though officials are not sure what gas potential the leases hold, they do consider them valuable, and the company is supporting efforts by Gov. Judy Martz to intervene, he said.
The governor's chief legal counsel, James Santoro, argued in court documents that the state needs to protect ownership rights to the riverbed and royalties and taxes from any natural gas development that occurs.

The argument is based in part on the "equal footing doctrine," which Santoro said gives the state ownership of the bed of all navigable rivers in its boundaries, including the Tongue River.

But some tribal members see the state's effort as an affront to their sovereignty and as having the potential to strain the relationship between the state and the tribe.

"I am totally appalled," said Geri Small, the former Northern Cheyenne president.

Fidelity named as defendants the federal government, including the Interior Department, Bureau of Indian Affairs, Interior Secretary Gale Norton and Dave Anderson, the assistant interior secretary for BIA.

The company argues that while the tribe's claim dates to 1900, Montana has a "prior and superior ownership claim" as a state government since 1889.

A call to attorney Patricia Miller with the Justice Department was referred to a department spokesman, who declined comment on pending litigation.

The situation bothers Kenny Medicine Bull, who lives near the Tongue River. He worries about potential problems stemming from pollution.

Drilling for coal-bed methane involves releasing groundwater to relieve pressure holding gas in coal seams. Some farmers and conservationists argue that water released is often salty or of poor quality and could harm crops or other vegetation.

Development has been a concern for the tribe. Last year, it sued the federal government, claiming the Bureau of Land Management failed to fully study how coal-bed methane development in the region could affect the environment and way of life on the reservation.

The Tongue River is a part of the Northern Cheyenne's cultural identity, according to Little Coyote.

Growing up, he fished in the river, which flows behind his childhood home south of Ashland, and leapt from its grassy banks to swim. A sweat lodge stands along the water's edge so participants can bathe afterward. Plants used for tribal ceremonies grow near the river, he said.

"Personally, having grown up along the river, it's tied to my identity. It's attached to our sovereignty as well," said Little Coyote.

Bohrer, B. (November 29, 2004). Dispute over Montana Riverbed Roiling along Northern Cheyenne Reservation. *Associated Press.*

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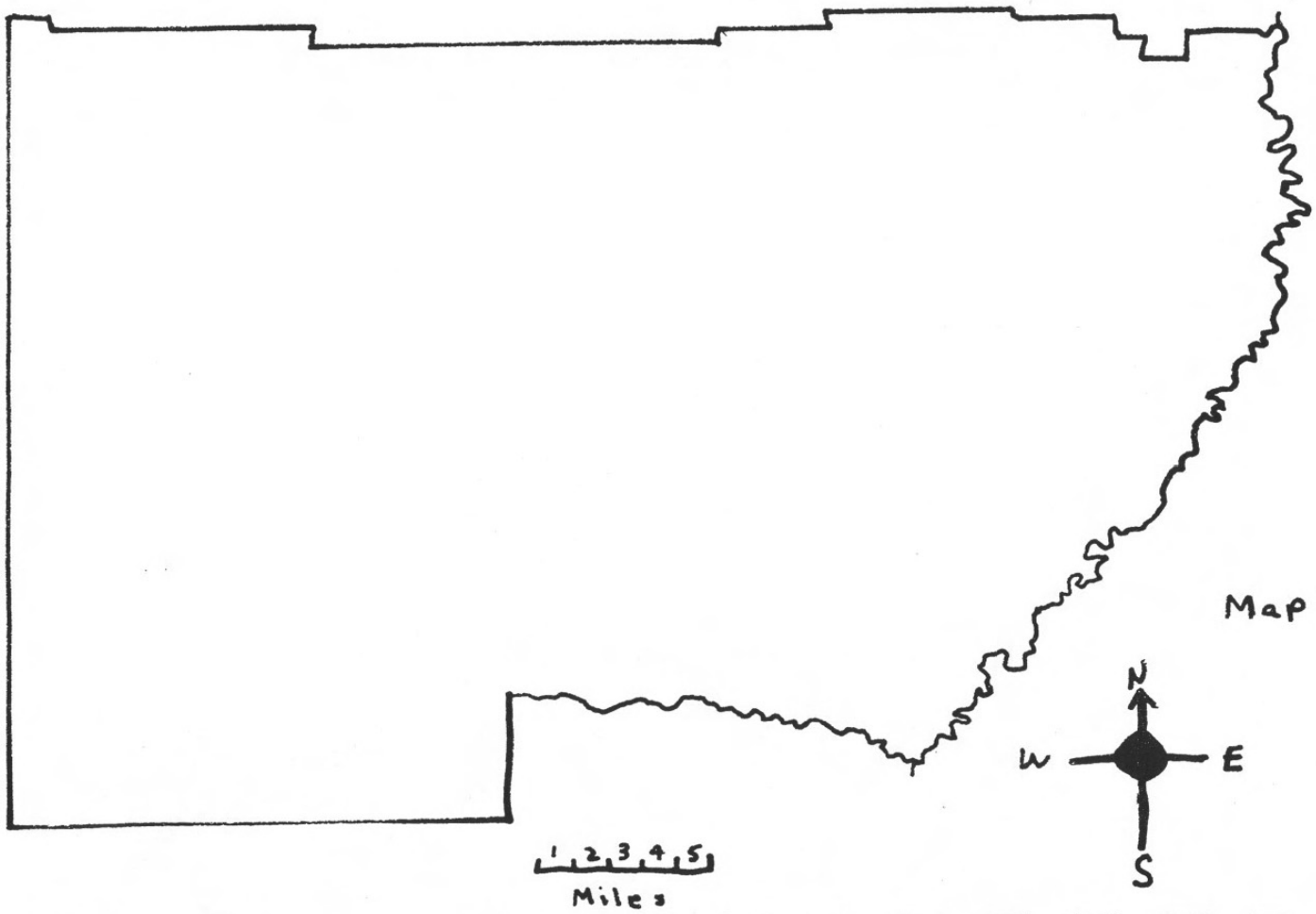
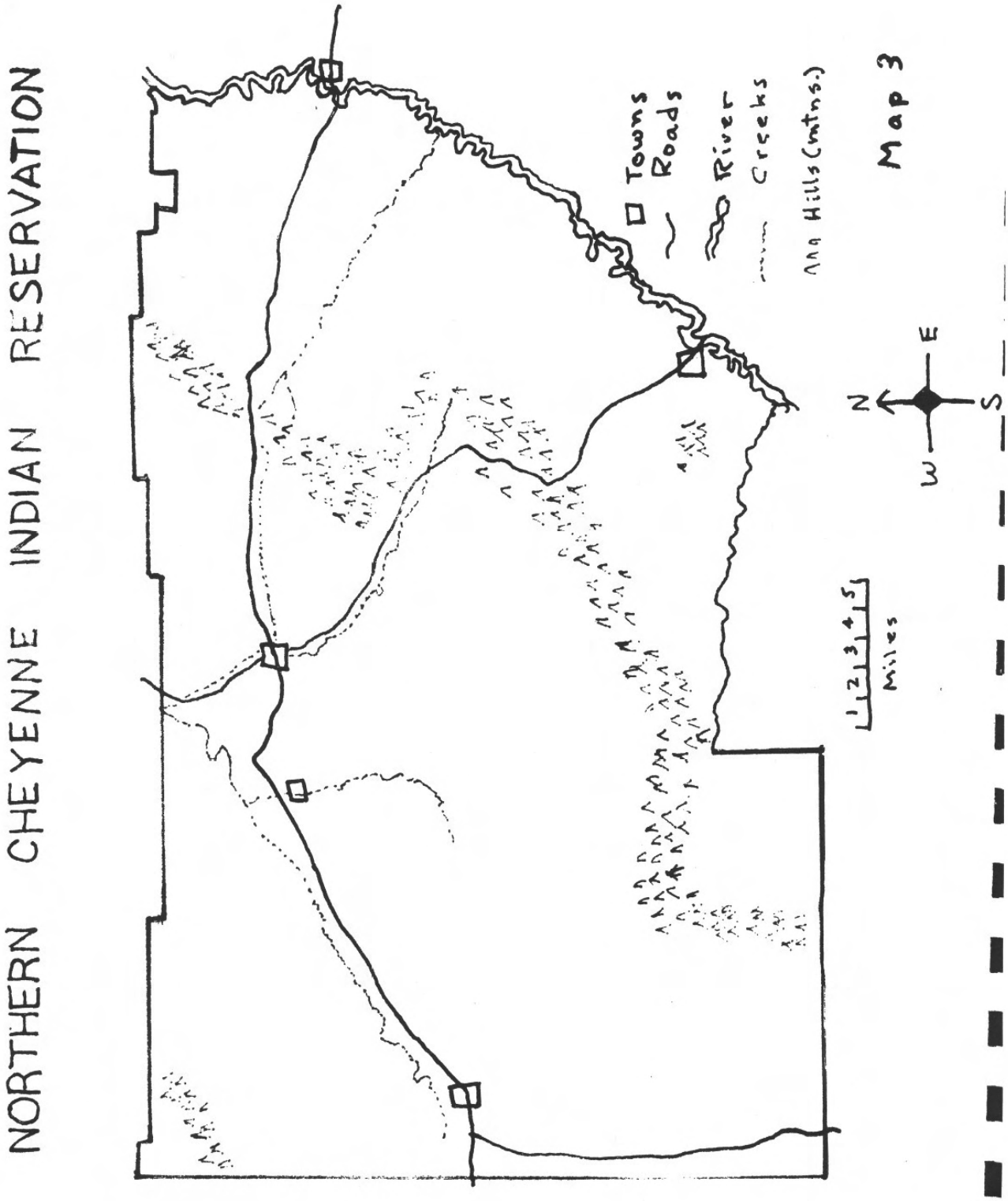
http://www.enn.com/today_PF.html?id=478 - no longer available at this site.

NORTHERN CHEYENNE INDIAN RESERVATION
OUTLINE MAP




NORTHERN CHEYENNE INDIAN RESERVATION
Towns
Roads
River
Creeks
Hills (mtns.)
Map 3
N
E
S
W
1 2 3 4 5
Miles

Lame Deer Schools
Northern Cheyenne Social Studies Model Lesson

Lesson Title
Tribal Ordinance and Resolution

Grade Level
High School

Time
Three class periods

Lesson Summary
Students analyze both a tribal resolution and a tribal ordinance

Core Learning 8
Contemporary issues affecting the Cheyenne today have historic contexts.

Montana Social Studies Content Standard 2
Students analyze how people create structures of power, authority, and governance to understand the operation of government and to demonstrate civic responsibility.

Essential Understanding 7
American Indian tribal nations are inherent sovereign nations and they possess sovereign powers, separate and independent from the federal and state governments. However, under the American legal system, the extent and breadth of self-governing powers are not the same for each tribe.

Materials
Northern Cheyenne Tribal Ordinance No. DOI-001 (2000), and Tribal Resolution No. DOI-150 (2002), Northern Cheyenne Amended Constitution and Bylaws, pp. IV-49, 50, 51 of the Northern Cheyenne Civil Code, BIA Superintendent letter regarding the ordinance, word maps

Engagement
Students are instructed to respond to the question written on the board: "Can someone be "banished" from the Northern Cheyenne Reservation? Who and why if you answered yes?" Give students 5 minutes to write a response.

Exploration
Ask students who could make the policy or law for banishment.

Ask students what they think the difference between a tribal ordinance and tribal resolution is.
Give students copy of Tribal Resolution No. DOI-150 (2002). Ask for a volunteer to read the resolution. Create a word map of "resolution" with the students.

Explanation

Give students a copy of Tribal Ordinance No. DOI-001 (2000). Ask for volunteers to read sections of it.
Give students a copy of Article II of Northern Cheyenne Civil Code.
Ask students to find the significant difference between the civil code and ordinance.
Create a word map of "ordinance" with the students.

(End of first class period.)

Elaboration

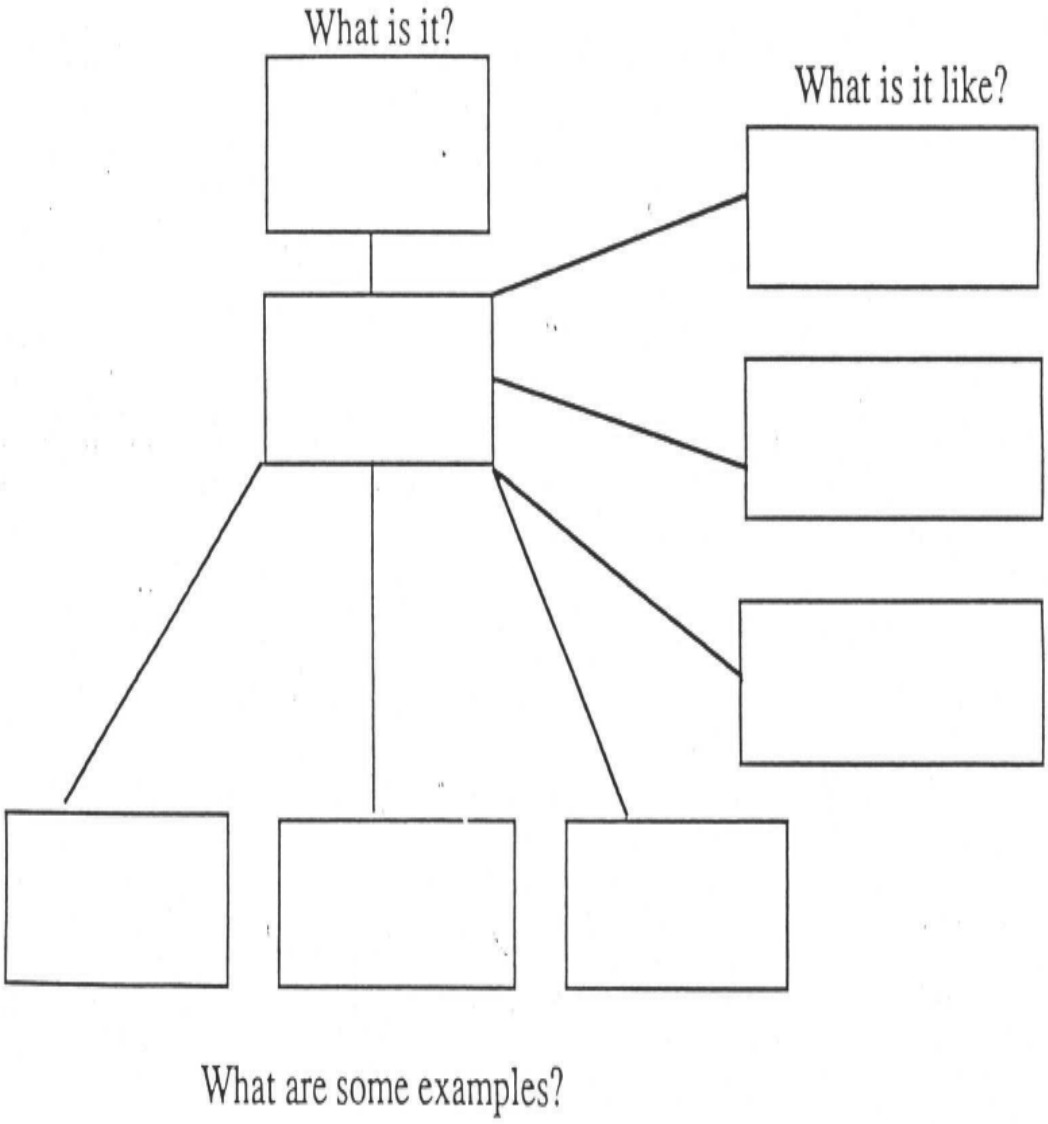
Create a list of issues of concern that the students would like to present to the Tribal Council.
Of the list generated, create a priority list of 3 issues to include in the presentation to the Tribal Council.
Generate a written document of the 3 issues, including an explanation of their importance, and ideas for addressing each of the 3 issues.
Identify the students that will speak for the class and rehearse the presentation and cultural protocols of speaking with tribal leaders.

(End of second class period.)

Schedule a time for the presentation to the Tribal Council and attend the meeting with the students.

(End of third class period.)

Structure of a Word Map



TRIBAL COUNCIL OF THE NORTHERN CHEYENNE TRIBE
NORTHERN CHEYENNE RESERVATION
LAME DEER, MONTANA

RESOLUTION NO. DOI.1SO(2002)

A RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL TO SUPPORT AND COMMIT TO THE DEVELOPMENT OF A LONG TERM MEANINGFUL WORKING RELATIONSHIP WITH OUR YOUTH OF THE LAME DEER HIGH SCHOOL STUDENT ADVISORY COMMITTEE FOR THE NORTHERN CHEYENNE TRIBE FOR THE PURPOSE OF ADVISING AND WORKING WITH THE LEGISLATIVE, EXECUTIVE AND JUDICIAL BRANCHES OF THE NORTHERN CHEYENNE TRIBE ON CONCERNS AND ISSUES AFFECTING OUR YOUTH AND TO ENCOURAGE OTHER HIGH SCHOOLS ON OR NEAR THE NORTHERN CHEYENNE RESERVATION IN THE ESTABLISHING OF STUDENT ADVISORY COMMITTEES.

WHEREAS; *the Northern Cheyenne Tribal Council* is *the governing body of the Northern Cheyenne Reservation by authority of the Amended Constitution and Bylaws* a~ *approved by the Secretary of Interior on May* 31, 1996: *and*

WHEREAS; *the Tribal Council is empowered under Article IV Section l (r) "to adopt resolutions regulating the procedures of the Council, other Tribal agencies and Tribal officials of the reservation"; and*

WHEREAS; *the students of the Lame Deer High School (LDHS) are concerned about their community and about the people's well-being; and*

WHEREAS; *the students of LDHS are concerned about how they can best preserve our Culture, History and Language; and*

WHEREAS; *the students of LDHS are concerned about the affairs and issues that affect the Northern Cheyenne Tribe and our Reservation; and*

WHEREAS; *the students of LDHS would like to develop* a *meaningful working relationship through periodic meetings with the various Branches of Tribal Government; and*

WHEREAS; *it would be* a *good opportunity for the students* to *correspond with the Legislative, Executive and Judicial Branches of the Northern Cheyenne Tribe on finding ways to improve our Reservation; and*

WHEREAS; *our great leaders, Chiefs Little Wolf and Morning Star (Dull Knife) signed the 1868 Fort Laramie Treaty emphasizing that education is a priority and a fundamental federal trust responsibility; and*

WHEREAS; *the CONSTITUTION OF THE. NORTHERN CHEYENNE TRIBE provides that under ARTICLE V - BILL OF RIGHTS, Section 1. All members of the Tribe shall be accorded equal opportunities to participate in the economic resources and activities of the Tribe; and*

WHEREAS; *the Tribal Council has the authority to delegate subordinate boards or officers or to cooperative associations which are open to all members and so forth through the CONSTITUTION OF THE NORTHERN CHEYENNE TRIBE under ARTICLE IV – POWERS OF THE TRIBAL COUNCIL, Section 1. Enumerated Power(s); and*

WHEREAS; *the Tribal President, with the advice and consent of the Tribal Council, has the authority* to *appoint delegates, representatives, committees* or *other officers as deemed proper from time to time through BYLAWS OF THE NORTHERN CHEYENNE TRIBE under ARTICLE I - DUTIES OF OFFICERS, Section 1.*

WHEREAS; *the Northern Cheyenne Tribal Council has authority* to *cultivate and preserve native arts, crafts,* culture *and Indian ceremonials through CONSTUTION OF THE NORTHERN CHEYENNE TRIBE under ARTICLE N - POWERS OF THE TRIBAL COUNCIL , Section* 1, *Enumerated Powers, (I);and*

WHEREAS; the *LDHS Student Advisory Committee of the Northern Cheyenne Tribe will be elected from within the student body; and*

WHEREAS; *the Northern Cheyenne Tribal Council recognizes the significance, importance, and the need to secure* a *promising future for our Tribe through our youth.*

NOW, THEREFORE BE IT RESOLVED that the Tribal Council hereby supports and commits to *the development and the formulation of* a *long-term meaningful working relationship with our youth through periodic meetings with the proposed Lame-Deer High School Student Advisory Committee of the Northern Cheyenne Tribe for the purpose of advising and working with the Legislative, Executive and Judicial Branches of the Northern Cheyenne Tribe on concerns and issues affecting our youth.*

BE IT FURTHER RESOLVED that the Northern Cheyenne Tribal Council encourages, supports and recognizes the need for our youth to maintain our identity as *Northern Cheyenne people through our language, history, and culture and the need for our youth to pursue their education as far as possible.*

BE IT FINALLY RESOLVED that the Northern Cheyenne Tribal Council encourages other High Schools on or near the Northern Cheyenne Reservation to establish student advisory committees.

PASSED, ADOPTED AND APPROVED by the Northern Cheyenne Tribal, Council by eight (8) *votes for passage and adoption and zero (0) votes against passage and adoption this 6th day of May, 2002.*

Geri Small, President
Northern Cheyenne Tribe

ATTEST:

Serena K. Brady, Secretary
Northern Cheyenne Tribe

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
NORTHERN CHEYENNE AGENCY
P.O.BOX 40
LAME DEER, MONTANA 59043

Executive Direction
Code 100

Geri Small, President
Northern Cheyenne Tribal Council
P.O. Box 128
Lame Deer, MT 59043

Dear President Small:

Enclosed is the original of Northern Cheyenne Tribal Resolution No. DOI-150(2002) enacted by the Council on May 6, 2002 and received in this office on May 21, 2002.

Resolution No. DOI-150(2002) - supports and commits to the development of a long term meaningful working relationship with our youth of the Lame Deer High School Student Advisory Committee for the Northern Cheyenne Tribe for the purpose of advising and working with the legislative, executive and judicial branches of the Northern Cheyenne Tribe on concerns and issues affecting our youth and to encourage other high schools on or near the Northern Cheyenne Reservation in the establishing of student advisory committees.

Resolution No. DOI-150(2002) is hereby approved. The Northern Cheyenne Tribal Council has the authority to take this action via Article IV, Section I (r) of the Amended Constitution and Bylaws of the Northern Cheyenne Tribe.

All necessary copies of this resolution have been retained for our files.

Sincerely,

John E. White
Superintendent

Enclosure

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
NORTHERN CHEYENNE AGENCY
P.O. BOX 40
LAME DEER, MONTANA 59043

IN REPLY REFER TO:
Executive Direction
Code 100

Mr. Joe Walks Along, Sr., President
Northern Cheyenne Tribal Council
P.O. Box 128
Lame Deer, Montana 59043

Dear Mr. Walks Along,

Enclosed is the original of the Northern Cheyenne Tribal Ordinance No. DOI- 001 (2000) enacted by the Council on October 18, 1999, and received in this office on November 1, 1999.

Ordinance No. DOI-001 (2000) – approves the amendment of Article II of the Northern Cheyenne Civil Code by adding the following: [Section II, 4-2-2.5 (A), (B), (C), (D), (E)]

Although Ordinance No. DOI-001 (2000) approves the amendment of Article II of the Northern Cheyenne Civil Code, I have outlined some areas which merit clarification regarding existing [Section II], as it currently reads, and the newly added amendment [Section II 4-2-2.5 (A), (B), (C), (D), (E)].

1) Proposed [Section, 4-2-2.5 Exclusion for Conviction of Drug Offense]. This proposed provision amends Article II of the Northern Cheyenne Civil Code by adding it to Section II. However numeric listings in the Civil Code [Section II] list only [Section II, 4-2-1, Section II, 4-2-2 (A), (B), (C), (D), (E) and (F). Then it continues with [Section II 4-2-3]. There is no [Section 4-2-2.1, 2, 3, or 4]. If the intent was to add Ordinance 4-2-2.5 into this Section then there is no logical place to insert the proposed ordinance. Please advise as to where you would. like this to be listed?

2) Proposed Northern Cheyenne Civil Code [Article II 4-2-2.5(A)] currently reads *"Except as provided under Section any member or non-member of the Northern Cheyenne Tribe residing on the Northern Cheyenne Reservation that is convicted in any Court of any drug offense committed on or off the Northern Cheyenne Reservation shall be excluded from the Reservation for four* (4) *years, and non-members shall be*
permanently excluded. For purposed of this provision, the term "drug offense" shall mean a misdemeanor or felony conviction for growing, possessing, using, selling, distributing, manufacturing, transporting, gifting or for conspiracy to commit any of the foregoing, of any quantity of substance classified as belonging in Schedule I of the Federal Controlled Act; provided that this provision shall not apply to any conviction arising out of the use of peyote in the Native American Church".

A [Section 4-2-2.5(A)] specifically reads, *"Except as provided under [Section4-2-*1], *<u>any member or non-member</u> of the Northern Cheyenne Tribe..."*. In reviewing the Northern Cheyenne Tribal Law and Order Code [Section II 4-2-1], it specifically refers to *"<u>Any non-member</u>*

of the Northern Cheyenne Tribe". There should be a consistency of wording so when the proposed [Section II, 4-2-2.5(A)] is included and refers back to [Section II, 4-:2-1] they would both read *"Any member or non-member of the Northern Cheyenne Tribe".* This would bring the proposed ordinance into consistency with the tribe's intent to include both members and non-members into the ordinance. Otherwise a *''Member"* of the Northern Cheyenne Tribe would have *a* valid defense because as it currently reads [Section II 4-2-1] does not pertain *''Members"* of the Northern Cheyenne Tribe.

B. Under proposed [Section II, 4-2-2.5 Exclusion for Conviction of Drug Offense]. Currently reads "provided that this provision shall not apply to any conviction arising out of the use of peyote in the Native American Church".

Does this also pertain to non-Native Americans? It appears that the non-Native Americans may not have been included in the "American Indian Freedom of Religious Act, of 1978. Since Native American rights are specifically protected regarding the use of peyote in the Native American Church.

Is it the intent of the-Northern Cheyenne Tribe to include non-members who are non-Native American if they were convicted of a criminal offense regarding the use and/or mis-use of peyote inside or outside the Native American Church if you are not protected by the American Indian Freedom of Religious Act, 1978?

3. Proposed [Section II, 4-2-2.5(B)] reads *"Upon confirmation of an off-reservation conviction, the Tribal Prosecutor shall immediately initiate an exclusion proceeding against any Northern Cheyenne Reservation resident that has been convicted of a drug offense by an off-Reservation Court. In determining whether exclusion is warranted, the Tribal Court may not consider the merits of the underling conviction. The only issues that may be determined by the: Tribal Court shall be whether due process was afforded the defendant by the off-Reservation-Court and whether the defendant has a defense under Section* 4-2-1. *If the tribal court finds that due process was afforded the Defendant and that the Defendant does not have a defense under Section* 4-2-2, *the individual shall be excluded for four* (4) *years".* .

A. What provisions would be in place should the individual resident - be an adolescent?

B. In referring to proposed [Section 4-2-2-5.B] *''whether the defendant has a defense under [Section* 4-2-1]". Northern Cheyenne Civil Code [Section 4-2- 1] currently reads *"Any non-member of the Northern Cheyenne Tribe..."* if this is not amended to reflect the change as cited above #2-A to read *"Any member or non-member of the Northern Cheyenne Tribe"* then a *"Member"* of the Northern Cheyenne Tribe could use this as a means of defense since [Section II, 4-2-1] specifically refers to *"non-members" of the Northern Cheyenne Tribe."*

C. Proposed [Section II 4-2-2.5(B)] further states, *"If the tribal court finds that due process was afforded the Defendant and that the Defendant does not have a defense under Section* 4-2-2, *the individual shall be excluded for four (4) years".* A final defense of a member of the Northern Cheyenne Tribe would be to challenge [Section II 4-2-2Grounds for Exclusion] since it reads *"Non-members may be excluded…".* Again this would be interpreted to exclude *"Members of the Northern Cheyenne Tribe".*

4. Proposed [Section II, 4-2-2.5(C)] currently reads *"Exclusion shall automatically be imposed upon a conviction of an on-Reservation drug offense tried in the Tribal Court and a finding that the defendant does not have a defense under [Section* 4-2-1]. *Time spent in the Tribal jail from the date of the imposition of the exclusion order shall count towards time served on said order.*"

A. The Northern Cheyenne Law & Order Code [Section II, 4-2-1] currently reads *"Any non-member of the Northern Cheyenne Tribe… "* therefore a *"Member"* of the Northern Cheyenne Tribe would have a valid defense to the proposed clause as [Section II, 4-2-1] specifically does not address *''Members of the Northern Cheyenne Tribe".*

5. Proposed [Section II 4-2-2-5(D)] reads *"Any person that owns non-trust land on the Reservation may raise this fact as a defense provided that the person owned the land prior to the arrest for the conviction. Ownership of non-trust land shall not be a defense to exclusion unless defendant purchased the land prior to the arrest for the conviction."*

A. The proposed section also states "unless defendant purchased the land prior to the arrest for the conviction". Does this mean only *"purchased'* or should this be changed to read *"acquired"?* A person can own land before an arrest and conviction *if* the land was "inherited" or "gift deeded" without actually "purchasing" the land. . .

B. Would it matter if the person convicted of a drug offense actually resides on the non-trust land or simply owns a non-trust section of land and does not actually reside on it? ..

6. In reading the Northern Cheyenne Civil Code [Section II].in its entirety, you will note that [Section II 4-2-3 Notice of Proposed Exclusion], [Section II 4-2-4 Hearing on Exclusion before Northern Cheyenne Court], [Section II 4-2-6 Proceeding for Enforcement of Orders of Exclusion], [Section II 4-2-7 Physical Removal] all refer to *"non-members"* and make no mention of *"members"* of the Northern Cheyenne Tribe. I would recommend revisiting the entire [Section II] of the Northern Cheyenne Civil Code and make adjustments where necessary to accomplish the full intent of proposed Ordinance DOI-OOl.

The Northern Cheyenne Tribal Council has the authority to take this action via Section 1 (h), (r), (1) of the Northern Cheyenne Tribal Constitution.

Enclosed is a copy of the Northern Cheyenne Tribal Civil Code [Section II EXPULSION AND EXCLUSION OF NON~MEMBERS FROM THE NORTHERN CHEYENNE INDIAN RESERVATION] in its entirety.

All necessary copies of this resolution have been retained for our files.

Sincerely,

(Signature)

Superintendent

Enclosure, chrono, NGT, Ordinance file, subject file, R Vallie: 11/12/99x820 1

TRIBAL COUNCIL OF THE NORTHERN CHEYENNE TRIBE
NORTHERN CHEYENNE RESERVATION
LAME DEER, MONTANA

ORDINANCE NO. DOI-001 (2000)

AN ORDINANCE OF THE NORTHERN CHEYENNE TRIBAL COUNCIL AMENDS ARTICLE II OF THE NORTHERN CHEYENNE CIVIL CODE TO PROVIDE FOR THE EXCLUSION OF INDIVIDUALS CONVICTED FOR A DRUG OFFENSE.

WHEREAS, the Northern Cheyenne Tribal Council is the governing body of the Northern Cheyenne Reservation by authority of the Amended Constitution and Bylaws as approved by the Secretary of the Interior on May 31, 1996; and,

WHEREAS, the Tribal Constitution charges the Tribal Council with the duty to protect the health and general welfare of the Tribe; and,

WHEREAS, the Tribal Council recognizes that there is widespread. drug use on the Northern Cheyenne Reservation by members and non-members alike; and,

WHEREAS, the Tribal Council further recognizes that the drug activity on the Northern Cheyenne Reservation poses a very serious problem that threatens the health and welfare of the Tribe and its members; and,

WHEREAS, the Tribal Council has the power to exclude all persons not legally entitled to reside on the Northern Cheyenne Reservation; and,

WHEREAS, the Tribal Council believes it is absolutely necessary for it to exercise its exclusion power and take a firm stand against drugs by enacting a law that will discourage drug activity by residents of the Northern Cheyenne Reservation.

NOW, THEREFORE BE IT ORDAINED that the Northern Cheyenne Tribal Council hereby amends Article II of the Northern Cheyenne Civil Code by adding the following section:

4-2-2.5 Exclusion for Conviction Of Drug Offense

A. Except as provided under Section 4-2-1, *any member or non-member of the Northern Cheyenne Tribe residing on the Northern Cheyenne Reservation that is convicted in any Court of any drug offense committed on or off the Northern Cheyenne Reservation shall be excluded from the Reservation for four* (4) *years, and non-members shall be permanently excluded. For purposes of this provision, the term " drug offense" shall mean a misdemeanor or felony conviction for growing, possessing, using, selling, distributing,*

manufacturing, transporting, gifting or for conspiracy to commit any of the foregoing, of any quantity of substance classified as belonging in Schedule I of the Federal Controlled Act; provided that this provision shall not apply to any conviction arising out of the use of peyote in the Native American Church.

B. Upon confirmation of an off-reservation conviction, the Tribal Prosecutor shall immediately initiate an exclusion proceeding against any Northern Cheyenne Reservation resident that has been convicted of a drug offense by an off-Reservation Court. In determining whether exclusion is warranted, the Tribal Court may not consider the merits of the underlying conviction. The only issues that may be determined by the Tribal Court shall be whether due process was afforded the defendant by the off-Reservation Court and whether the defendant has a defense under Section 4-2-1. *If the Tribal Court finds that due process was afforded the Defendant and that the Defendant does not have a defense under Section* 4-2-2, *the individual shall be excluded for four* (4) *years. .*

C. *Exclusion shall automatically be imposed upon a conviction of an on-Reservation drug offense tried in the Tribal Court and a finding that the defendant does not have a defense under Section* 4-2-1. *Time spent in the Tribal jail from the date of the imposition of the exclusion order shall count towards time served on said order.*

D. Any person that owns non-trust land on the Reservation may raise this fact as a defense provided that the person owned the land prior to the arrest for the conviction. Ownership of non-trust land shall not be a defense to exclusion unless defendant purchased the land prior to the arrest for the conviction.

E. A person excluded from the Reservation may only enter the Reservation to seek to quash an exclusion order. An individual excluded from the Reservation under this Section shall remain excluded until such time they certify with the Tribal Court that .they have successfully attended and completed a ninety (90) day drug treatment program and the Tribal Court quashes the exclusion order. A certification shall set forth the individual's name, the date he/she was
excluded, the name of the treatment program successfully completed, and the date it was completed Upon certification, the Tribal Court Clerk shall notify the Tribal Prosecutor of the certification and set a date for a certification hearing. The Tribal Prosecutor shall investigate and confirm or rebut the information provided on the certification at the certification hearing. Upon finding that the individual successfully completed a ninety (90) day drug treatment program, the Tribal Court shall issue an order quashing the exclusion order.

PASSED, ADOPTED AND APPROVED *by the Northern Cheyenne Tribal Council by* 9 *votes for passage and adoption and 0 votes against passage and adoption on this 18h day of October* 1999.

(Signature)
Joe Walks Along, Sr., President
Northern Cheyenne Tribal Council

ATTEST:

(Signature)
Sharlene Evans, Secretary
Northern Cheyenne Tribal Council

CHEYENNE TRIBAL CIVIL CODE

II. EXPULSION AND EXCLUSION OF NON MEMBERS FROM THE NORTHERN CHEYENNE INDIAN RESERVATION

1-1-1 Who May be Excluded

Any non-member of the Northern Cheyenne Tribe, except persons authorized by federal law to be present on Tribal land and owners of non-trust land on the Reservation, may be excluded from the Northern Cheyenne Reservation.

Ord. #10(88)
01/04/88

1-1-2 Grounds for Exclusion

Non-members may be excluded for commission of one or more of the following acts within the Northern Cheyenne Reservation:

A. Violation of any Northern Cheyenne Tribal Council ordinance.
B. Unauthorized prospecting, measuring or studying of the Northern Cheyenne Reservation.
C. Entering an area of the Northern Cheyenne Reservation in violation of any order of the Northern Cheyenne Tribal Council designating such areas as closed because of a fire hazard or for any other reason.
D. Use, possession, or sale of any drug, narcotic drug or controlled substance as defined by the state Uniform Controlled Substances Act.
E. Defrauding any enrolled member of just compensation for his labor or service of any nature done at the request of the non-member.
F. Any action causing physical loss or damage of any nature to tribal property or property of any enrolled member.

Ord. #10 (88) 01/04/88

1-1-1 Notice of Proposed Exclusion

A judge of the Northern Cheyenne Court shall cause notice to be served personally or by registered mail upon any non-member whenever the Reservation Prosecutor petitions the Court for exclusion of the non-member. The notice shall state the reason for the proposed exclusion and shall name a time and place where the non-member may appear before the Northern Cheyenne Court to show cause why he should not be excluded from the Northern Cheyenne Reservation. The hearing shall be not less then ten (10) days after service of the notice or mailing of the notice, whichever is later, provided that if the judge shall have reasonable cause to believe an emergency exists, and the notice so states, the hearing may be held after twenty-four hours from the time of service or mailing, whichever is later.

1-1-2 Hearing on Exclusion Before Northern Cheyenne Court

After notice to the non-member proposed for exclusion, the Northern Cheyenne Court shall hold a hearing to decide whether the non-member shall be excluded from the Northern Cheyenne Reservation. The non-member shall be given an opportunity to present his defense at such hearing and may be represented by counsel. After the hearing, or after the time set for the hearing, if after notice the non-member does not appear, the Northern Cheyenne court may order him excluded from the Northern Cheyenne Reservation, or may permit him to remain upon the Reservation on such conditions as the Northern Cheyenne Court sees fit to impose. All orders of exclusion shall remain in force until revoked by the Northern Cheyenne Court unless the order specifically provides otherwise.

1-1-3 Appellate Proceedings

Appeals from any exclusion shall be with the Northern Cheyenne Reservation Appeals Court.

1-1-4 Proceedings for Enforcement of Orders of Exclusion

If any non-member ordered excluded by the Northern Cheyenne court does not promptly obey the order, the judge shall refer the case to the Northern Cheyenne Reservation police, who shall promptly escort the person excluded to the nearest Reservation boundary.

Ord. #10 (88)10/04/88

1-1-1 Physical Removal

In cases involving immediate danger to life, health, morals, or property and where any delay would result in irreparable damage, a judge of the Northern Cheyenne Court may order any Northern Cheyenne law enforcement officers to remove a non-member and any property of such non-member from the Northern Cheyenne Reservation, either before or after the non-member has been ordered excluded by the Northern Cheyenne court as provided in 4-2-4. The officer executing the order shall use only so much force as is necessary to effect the removal. If service of the notice provided for in 4-2-3 has not already been made on the non-member, the judge shall cause the officer to serve the notice upon the non-member at the time of removal, or he shall cause the notice to be served as soon after removal as possible.

In all cases where the non-member has not already been ordered excluded by the Northern Cheyenne court, the judge shall notify the non-member of a place on the Reservation boundary where he may re-enter in the company of a Northern Cheyenne law enforcement officer for the purpose of attending the hearing before the Northern Cheyenne Court. The order shall command the officer to accompany the non-member while he is on the Reservation coming to and leaving his hearing.

1-1-2 Separability

If any provision of sections 4-1-1 through 4-2-7, or their application to any person or circumstances is held invalid, the remainder of these sections, or the application of the provision to other persons or circumstances is not affected.

Ord. # 10 (88)
01/04/88

APPENDIX

Pertinent Web Sites

Montana Standards for Social Studies

....http://opi.mt.gov/Educators/Teaching-Learning/K-12-Content-Standards-Revision/Social-Studies-Standards

Essential Understandings Regarding Montana Indians

.....http://opi.mt.gov/Portals/182/Page%20Files/Indian%20Education/Indian%20Education%20101/essentialunderstandings.pdf?ver=2018-09-21-121920-993

The Tribal Nations of Montana A Handbook for Legislators

..... http://leg.mt.gov/content/For-Legislators/Publications/tribal-nations-handbook-october2016.pdf

Native American Languages Act

..... https://www.govtrack.us/congress/bills/101/s2167/text

Protocol for Guest Speakers

It is important to make guest speakers feel welcomed into your school as well as your classrooms. How people are greeted as well as who they first see when they visit your school makes a lasting first impression. That impression will be shared with many other folks in your community, so you want it to be positive! Bringing community members into your school gives school staff an opportunity to practice and model social skills that have life long value. One of the five major characteristics of resilient youth is social competence. Providing experiences for your students to practice and fine tune these skills with classroom guests can prove to be invaluable.

The following are recommendations to assist you and your students in making the elders or experts in your community feel welcome at your school.

Prior to the visit

- Invite the guest speaker/elder in person well ahead of time. Describe for them exactly what you want them to do with your students. Let them know the grade level and specific topic for the class, as well as the class length. If you want to photograph or film parts of the presentation, ask the guest if they are comfortable with that and for permission.
- Send a written invitation following a verbal one (optional but recommended).
- Call the speaker the day before you expect them and the day of the visit.
- Review the expected etiquette with guest speakers with students.
- Have students practice shaking hands and greeting and thanking the guest. This is particularly important with elders! Select one or two students to be the official greeters and escorts for the guest.
- If you have the resources, learn the appropriate greeting in the guest's language.
- Create a comfortable space in your classroom for the guest, paying particular attention to needs an elder might have.
- Select an appropriate item to "gift" the speaker. This may be a coffee mug, scarf, tobacco, sweetgrass, home canned food item, etc.
- If the guest lives a significant distance from the school, have forms completed to provide for their per diem. Don't make the guest pay to come to your school.

Day of the visit

- Inform school secretaries and receptionists that you are expecting a guest.
- Have a student or students waiting to greet the guest (including shaking their hand and introducing themselves at the front office, and escort them to the classroom where they will present.)
- Have water, coffee or tea available for your guest.
- Greet guest in the classroom, introduce them to students, review what they will be doing and stay in the classroom to support guest. Many elders are uncomfortable in schools and need your support. If you are unexpectedly absent contact someone else to be present to support the guest or reschedule for when you are able to be there.
- Thank the guest after presentation, and have students thank them.
- "Gift" the guest formally with a thank you card that can be prepared ahead of time with all of the student's signatures and with a small gift.
- Give the guest their per diem expenses if appropriate.

CHRONOLOGY OF NORTHERN CHEYENNE GOVERNMENT
CULTURE - TRIBAL GOVERNMENT
LAME DEER HIGH SCHOOL
LAME DEER PUBLIC SCHOOLS

Apri1 17, 2001

Curriculum Rationale/Objective:

Through the tribal government class under the auspices of Culture, the students will study the history of tribal government(s) that led to the federalism that currently exists between the Northern Cheyenne Tribe and the United States. This will be a unique course of study in that not only will it be reading and writing intensive, the students will also learn and speak Cheyenne words and phrases applicable to their phase of study.

This course is recommended for the 11th & 12th grade level and it is further recommended it be a required class for graduation from Lame Deer High School. Moreover, it will prepare the student for general life skills living on or near the reservation, especially if the student is a tribal member and for preparation in Native American studies class in further studies.

Time Line: 1 year - 2 semester course

General Lesson Plan

1st Semester

1. Familiarization of different types of governments, e.g. autocracy, plutocracy, theocracy, democracy, unwritten and written constitutions.

2. The unwritten Constitution: Introduction and familiarization of the traditional Cheyenne system of governance. This will include the Cheyenne Prophets Sweet Medicine and Erect Horns, the respective Covenants and the two respective major Bands and the connection with sacred sites, e.g. Bear Butte, Great Lakes region, Pipestone and how and why these sites are integral to the traditional Cheyenne system of governance and territory. This will include reading, discussion, usage of maps, writing, and appropriate/applicable Cheyenne language.

3. Introduction and general familiarization of the framework of the traditional Cheyenne system of governance: Council of 44 and the Military Societies e.g. Elkhorn Scrapers, Dog Soldiers, Crazy Dogs, Bowstrings, etc. This will include the selection, appointment, roles and responsibilities. An important segment of this will be a map of rivers with Cheyenne names and a layout of Cheyenne battle sites from Montana down into Texas, where Cheyenne defended their territory and way of life. This will include reading, discussion, writing, computerized C-D ROM programs, usage of maps, and appropriate/applicable Cheyenne language.

4. Treaty Era: The students will examine the series of treaties that the Cheyenne entered into with the United States, beginning with the 1825 Friendship Treaty that historically and legally intertwines the relationship forged between the traditional Cheyenne government and the United States and the extensive loss of land by tribes. Are treaties applicable today? This will include reading, discussion, writing, usage of maps, and appropriate/applicable Cheyenne language.

5. Early Federal Indian Policy: This will be an examination of perseveration and early reservation era of federal policy on Indian Affairs. This will include, the creation of Bureau of Indian Affairs, the Marshall Trilogies, 1830's, that defined tribes as "Domestic dependent nations," 1825, Ex Parte' Crow Dog, 1883 and the Major Crimes Act, 1884, the Indian Offenses court in 1890 and General Allotment Act 1887. This will include reading, writing, and discussion.

2nd Semester

1. The establishment of the Northern Cheyenne Reservation: The students will examine how the reservation was established (1884 & 1900 by Executive Orders) and where the boundaries are. This will include reading, writing, discussion, usage of maps, along with appropriate/applicable Cheyenne language.

2. The Allotment system: The students will examine how individual land ownership came about through the Northern Cheyenne Allotment Act, 1926. This is especially important if the families of students still own allotted land. This Act will also set the stage for the Hollowbreast case, 1976, a U.S. Supreme court decision regarding mineral rights on the Northern Cheyenne Reservation. This will include reading, discussion, writing, usage of maps, and appropriate/applicable Cheyenne language.

3. Indian Reorganization Act: There will be a summary review of the Merriam Report, 1928, which led to the Indian Reorganization Act, 1934. The students will review the provisions of IRA and the introduction of IRA to the Northern Cheyenne. This will include reading, discussion, and writing.

4. Written Constitution: The students will examine the written constitution ratified by the Northern Cheyenne in 1935 and the amendments in 1960. This will include reading discussion, writing, and appropriate/applicable Cheyenne language.

5. 1996 Amendments: The students will examine the Amended Constitution of 1996 provision by provision and how some of the provisions interact or interconnect. The powers of the Secretary of Interior within the constitution. The amendment process. This will include visitation of tribal council meetings, reading, discussion, writing, guest speakers, and appropriate/applicable Cheyenne language.

6. Contemporary issues/affairs of the Northern Cheyenne Tribe and Indian Country: This final segment will review contemporary Indian affairs and issues facing our peoples, including among other things, mineral development, gaming, federal involvement with tribes. This will include reading, discussion, writing, guest speakers and appropriate/applicable Cheyenne language.

There are numerous resources available. Listed are some those that will be applied:

Black's Law Dictionary
People of the Sacred Mountain, Peter Powell
Cheyenne Memories, John Standsintimber
American Indian Law, William Danby, Jr.
Documents of United States Indian Policy, Francis Paul Prucha
Kapplers Laws and Treaties, Charles Kappler
Cheyenne Dog Soldiers, (CD-ROM & Book), D. Halaas, J. Afton, A. Masich
Northern Cheyenne Constitution, 1935, 1960& 1996

Presented by: Steve Brady, Sr.
Class 7 Teacher
Lame Deer High School
Lame Deer Public Schools

AMENDED*
CONSTITUTION AND BYLAWS

OF THE

NORTHERN CHEYENNE TRIBE

OF THE

NORTHERN CHEYENNE INDIAN RESERVATION

PREAMBLE

We, the members of the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation in Montana, in order to establish a more unified tribal organization and to insure and promote the best interests of our society, industry, prosperity, and the general welfare of ourselves and our posterity do hereby establish this Constitution and Bylaws.

ARTICLE I - - TERRITORY

The jurisdiction of the Northern Cheyenne Tribe under this Constitution and Bylaws shall extend to the territory within the Confines of the Northern Cheyenne Indian Reservation boundaries as established by Executive Order dated November 26, 1884, under the administration of Chester A. Arthur and extended March 19, 1900, under the administration of William McKinley and to such other lands as may be hereafter added thereto by any law of the United States, except as otherwise provided by law.

ARTICLE II - - MEMBERSHIP

Section 1. The membership of the Northern Cheyenne Tribe shall consist of as follows:

(a) All persons of Northern Cheyenne Indian blood whose names appear on the official census roll as of January 1, 1935, provided that by January 1, 1962, corrections shall be made in said roll by the Tribal Council, subject to approval of the Secretary of the Interior.

* This document sets forth the text of the original Constitution and Bylaws adopted in 1935, as amended by amendments adopted in 1960 and 1996.

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(b) Each person of one-half (1/2) or more Northern Cheyenne Indian blood regardless of residence, born heretofore or hereafter to any member or descendant of a member of the Northern Cheyenne Tribe whose name was or is on the census roll referred to in Section 1(a) shall automatically be entitled to membership in the Northern Cheyenne Tribe.

(c) All children heretofore born to any member of the Northern Cheyenne Tribe who was a resident of the Northern Cheyenne Indian Reservation at the time of birth of said children.

Section 2. The Tribal Council shall have power to promulgate ordinances, subject to review by the Secretary of the Interior, covering future membership including adoptions and the loss of membership.

ARTICLE III - - GOVERNING BODY AND OFFICERS

Section 1. The governing body of the Northern Cheyenne Tribe under this Constitution and Bylaws shall be a council which shall hereafter be known as "The Tribal Council of the Northern Cheyenne."

Section 2. The Tribal Council shall consist of eleven members holding the following seats:

(a) One at-large seat held by the Vice President of the Tribe, except when the Vice President is presiding over the Tribal Council due to the absence of the President.

(b) Five seats allocated one each to the Reservation districts of Ashland, Birney, Busby, Muddy and Lame Deer.

(c) Five seats allocated among the five districts in accordance with the percentage of the Tribal membership associated with each district, with fractional seats being rounded off to the nearest whole number. The allocation of these five seats shall be determined for the regular election of 1996, and redetermined for the regular election held every four years thereafter. By ordinance, the Tribal Council shall establish standards and methods for the implementation of such allocations.

(d) The Tribal Council shall have power to change the boundaries of the districts.

(e) The members of the Tribal Council holding the ten seats allocated among the districts shall be selected through district primary elections followed by a general election conducted at-large, as provided in Article VI, Section 4. The Vice President holding the at-large seat shall be selected through a primary election followed by a general election, both conducted at-large as provided in Article VI, Section 3.

Section 3. The officers of the Tribe shall be a President and Vice President who shall be elected by popular vote as hereinafter provided; a Sergeant at Arms elected by the Tribal Council from within its own number; and a Secretary and a Treasurer appointed by the Tribal Council from outside its number. The Secretary and the Treasurer shall have no vote. Other officers and committees shall be appointed as provided in Article I, Section 1 of the Bylaws.

Section 4. All regular elections for President, Vice President and Tribal Council seats allocated to Reservation districts shall be held in even numbered years on the date set for regular congressional elections, including the regular election of 1996 which shall be held on Tuesday, November 5, 1996. The President and Vice President shall serve for four years, and the members of the Tribal Council holding the ten district seats shall serve for four years in staggered terms, provided that in the regular election of 1996 five members of the Tribal Council shall be elected for two-year terms, as set forth in Article VI, Section 4(d). After each regular election for the Tribal Council, the Council shall appoint the Sergeant at Arms, Secretary and Treasurer, each of whom shall serve at the pleasure of the Council.

Section 5. It is contemplated that the President, Vice President, Secretary and Treasurer, and all members of the Tribal Council ("Tribal Officials") will serve on a full-time basis, and will receive therefore a salary commensurate with the responsibilities of office and other appropriate emoluments of office, to the extent prudent in light of available Tribal financial resources. No Tribal Official may receive additional compensation or other financial benefits for: serving on any committee of the Tribal Council; serving on boards, commissions or bodies governing or managing instrumentalities or programs of the Tribe; or undertaking while in office tasks which would ordinarily be performed on behalf of the Tribe or an instrumentality or program of the Tribe by an employee or contractor.

ARTICLE IV – POWERS OF THE TRIBAL COUNCIL

Section 1. Enumerated Powers. The Tribal Council of the Northern Cheyenne shall exercise the following powers, subject to any limitations imposed by the applicable statutes of the United States and subject further to all express

restrictions upon such powers contained in this Constitution and the attached Bylaws:

(a) To negotiate with the Federal, State, and local governments, on behalf of the Tribe, and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Northern Cheyenne Indian Reservation.

(b) To employ legal counsel for the protection and advancement of the rights of the Northern Cheyenne Tribe and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To approve or prevent any sale, disposition, lease or encumbrance of tribal lands, interests in lands or other tribal assets, including minerals, gas and oil.

(d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Northern Cheyenne Tribe prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To engage in any business that will further the economic well-being of the members of the Tribe and to undertake any economic activity of any nature whatever not inconsistent with law or any of the provisions of this Constitution.

(f) To administer any funds within the control of the Tribe; to make expenditures from available funds for tribal purposes, including salaries and expenses of tribal officials or employees. All expenditures of tribal funds under control of the Tribal Council shall be by resolution duly approved by a majority of the Tribal Council in legal session and the amounts so expended shall be a matter of public record at all times.

The Tribal Council, subject to the approval of the Secretary of the Interior, or his authorized representative, shall prepare annual budget requests for the advancement to the control of the Tribe such money as is now or may hereafter be deposited to the credit of the Tribe in the United States Treasury or which may hereafter be appropriated for the use of the Tribe.

(g) To levy taxes or assessments upon members of the Northern Cheyenne Tribe and to require the performance of community labor in lieu thereof, and to levy taxes or license fees, subject to review by the Secretary of the Interior, upon nonmembers doing business within the Reservation.

(h) To exclude from the restricted lands of the Northern Cheyenne Indian Reservation persons not legally entitled to reside therein, under ordinances which shall be subject to review by the Secretary of the Interior

(i) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Northern Cheyenne Tribe and any other person or persons coming within the jurisdiction of the reservation, and providing for the maintenance of law and order and the administration of justice by establishing a reservation court and defining its duties and powers.

(j) To purchase, under condemnation proceedings in courts of competent jurisdiction, land or other property needed for public purposes, subject to the approval of the Secretary of the Interior.

(k) To protect and preserve the property, wildlife, and natural resources of the Tribe and to regulate the conduct of trade and the use and disposition of property upon the reservation, provided that any ordinance directly affecting nonmembers of the Tribe shall be subject to review by the Secretary of the Interior.

(l) To cultivate and preserve native arts, crafts, culture, and Indian ceremonials.

(m) To administer charity and to protect the health and general welfare of the Tribe.

(n) To establish subordinate organizations of members of the Tribe for economic purposes.

(o) To regulate the inheritance of property, real and personal, other then allotted lands, within the territory of the Northern Cheyenne Indian Reservation, subject to review by the Secretary of the Interior, and to consult with the examiner of Inheritance in all heirship findings before they are submitted to the Secretary of the Interior for determination.

(p) To regulate the domestic relations of members of the Tribe and of nonmembers married into the Tribe.

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(q) To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution subject to review by the Secretary of the Interior.

(r) To adopt resolutions regulating the procedures of the Council, other tribal agencies, and tribal officials of the reservation.

(s) To delegate to subordinate boards or officers or to cooperative associations which are open to all members of the Tribe any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated powers.

Section 2. Future Powers. The Tribal Council of the Northern Cheyenne Tribe may exercise such future powers as may in the future be given to the Council by members of the Tribe through the adoption of appropriate Bylaws and Constitutional amendments.

Section 3. Reserved Powers. Any right and powers heretofore vested in the Northern Cheyenne Tribe but not expressly referred to in this Constitution shall not be abridge by this article, but may be exercised by the people of the Northern Cheyenne Tribe through the adoption of appropriate Bylaws and Constitutional amendments.

Section 4. Manner of Review. Any resolution or ordinance which pursuant to this Constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation within ten (10) days of enactment by the Tribal Council, and the Superintendent shall, within ten (10) days after receipt, approve or disapprove same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within ninety (90) days from the date of enactment rescind the said ordinance or resolution for any cause by notifying the Tribal Council of such decision.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him within then (10) days after its receipt, he shall advise the Tribal Council of his reasons therefore. If these reasons appear to the Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may within ninety (90) days from the date of its enactment approve the same in writing, whereupon the said ordinance or resolution shall become effective.

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ARTICLE V – BILL OF RIGHTS

Section 1. All members of the Tribe shall be accorded equal opportunities to participate in the economic resources and activities of the Tribe.

Section 2. All members of the Tribe may enjoy, without hindrance, freedom of worship, conscience, speech, press, assembly, and association as guaranteed by the Constitution of the United States.

ARTICLE VI – ELECTIONS

Section 1. All members of the Tribe eighteen (18) years of age or over shall have the right to vote at all reservation elections, except when the Federal law requires the voter to be twenty-one (21) years of age or over.

Section 2. Election Ordinances. Subject to the provisions of this Constitution and Bylaws, all elections and other membership votes, whether primary, regular, special, referendum, or other election or vote, shall be conducted in accordance with such ordinances and resolutions as may be adopted by the Tribal Council.

Section 3. Election of President and Vice President. Candidates for President and Vice President shall be determined, and the President and Vice President shall be elected in at-large general elections, as follows:

(a) A person desiring to run for President or Vice President shall file a Declaration of Candidacy which certifies the intent to run for the office and the possession of all qualifications for the office, and shall pay a $200 filing fee. For each regular election for President or Vice President after the 1996 election, the Tribal Council may adjust the filling fee to account for inflation or other factors. Any person qualifying for a general election for President or Vice President by write-in vote in a primary election shall promptly file a Declaration of Candidacy and pay the filing fee.

(b) If more than two qualified persons file to run for President or for Vice President, there shall be a primary election among such persons, conducted at large and held at least 30 days before the general election. Write-in voting shall be permitted in the primary. The two top vote-getters in the primary shall be the only candidates for such office in the general election, provided that if more then two persons tie for top vote-getter, or if there is one top vote-getter and a tie for second place, all such persons shall be the candidates. Write-in voting shall not be permitted in such general election. If a candidate dies, withdraws or is disqualified prior to

the general election, the candidates shall be redetermined on the basis of the primary results without considering votes cast for the former candidate, provided that if this yields less then two candidates, write-in voting shall be permitted in such general election.

(c) If no more than two qualified persons file to run for President or for Vice President, there shall be no primary election for such office. The person(s) who filed for such office shall be the only candidate(s) for such office in the general election. Write-in voting shall be permitted in such general election.

(d) On Tuesday, November 5, 1996, and on the date set for regular Congressional elections every four years thereafter, there shall be regular elections for President and Vice President. The top vote-getter in every regular election shall be elected for a four-year term.

Section 4. Election of Council. Candidates for the ten Tribal Council seats allocated among the Reservation districts shall be determined, and the Council members shall be elected in at-large general elections, as follows:

(a) A person desiring to run for a Tribal Council seat allocated to a district shall file a Declaration of Candidacy which certifies the intent to run and the possession of all qualifications for the office, and shall pay a $50 filing fee. For each regular election for the Tribal Council after the 1996 election, the Tribal Council may adjust the filing fee to account for inflation or other factors. Any person qualifying for a general election for the Tribal Council by write-in vote in a primary election shall promptly file a Declaration of Candidacy and pay the filing fee.

(b) If the number of qualified persons filing to run for the Tribal Council from a district is more then twice the number of open Council seats allocated to the district, there shall be a primary election among such persons, conducted within the district and held at least 30 days before the general election. Only the voters of the district may vote in the primary. Write-in voting shall be permitted in the primary. In descending order of votes received, the top vote-getters in the district primary shall be included in the general election as the only candidates for the open seat(s) in the district, until the number of such included candidates equals twice the number of such open seat(s); provided that if there is a tie for lowest vote-getter among such persons, the tied persons shall be included among the candidates. Write-in voting shall not be permitted in such general election. If a candidate dies, withdraws or is disqualified prior to the general election, the candidates for the open seat(s) in the district shall be redetermined on

the basis of the primary results without considering votes cast for the former candidate, provided that if this yields a number of candidates which is less than twice the number of such open seat(s), write-in voting shall be permitted in such general election.

(c) If the number of qualified persons filing to run for the Tribal Council from a district is no more than twice the number of open Council seats allocated to the district, there shall be no primary election for such seat(s). The person(s) who filed for such seat(s) shall be the only candidate(s) for such seat(s) in the general election. Write-in voting shall be permitted in such general election.

(d) On Tuesday, November 5, 1996, there shall be a regular election to fill the ten Tribal Council seats allocated among the districts. The top vote-getter among the candidates for the seat(s) allocated to a district shall be considered elected to the seat allocated to the district under Article III, Section 2(b) and shall serve a four-year term. The other five successful Council candidates in that election shall be considered elected to the seats allocated under Article III, Section 2(c) and shall each serve a two-year term.

(e) On the date set for regular Congressional elections in 1998, and on the comparable date every two years thereafter, there shall be a regular election to fill five open Council seats, each for a four-year term.

(f) In every regular and special election for Tribal Council, the top vote-getter(s) among the candidates for open Council seat(s) allocated to a district shall, in descending order of votes received, be considered elected to such seat(s) until the open seat(s) have thereby been filled.

Section 5. Miscellaneous Election Rules.

(a) A person may not simultaneously file Declarations of Candidacy for more than one position. A person may not be listed as a candidate for more then one position in the general elections. If a person qualifies as a candidate for more then one position in the general elections, such person promptly shall advise the Tribal Secretary as to the single position for which such person is to be listed as a candidate in such elections.

(b) Lists of all persons running in elections, whether primary or general, for President, Vice President or the Tribal Council, shall be posted by the Secretary in each of the Reservation districts at least three weeks before the date of the election.

(c) No person may simultaneously hold more than one elected office. While holding an elected office a person may run for a second office, provided that, if such person is elected, the first office shall become vacant when such person is sworn in to the second office. While employed or retained by the Tribe or an instrumentality of the Tribe a person may run for office, provided that, if elected, such person shall resign from such employment or position.

(d) In all elections for President, Vice President or the Tribal Council other than primary elections, tie votes shall be resolved by a public drawing of lots by the Tribal Secretary.

(e) If a person who is elected to office in any regular or special election dies, withdraws or is disqualified before being sworn in to the office, candidates for the office shall be redetermined and a general election shall be held in a manner which, in the judgment of the Tribal Council, is most appropriate under the circumstances and in light of the policies underlying Section 3 or 4 above, as the case may be. The decision of the Tribal Council shall be final and not subject to judicial review in any court.

(f) A person elected as President, Vice President, or Tribal Council member shall be elected for the term of office specified in this Constitution and Bylaws and until his or her successor is sworn into office.

ARTICLE VII – REMOVAL FROM OFFICE, FILLING VACANCIES

Section 1. Forfeiture of Office.

(a) Any officer or councilman found guilty of a felony in any tribal, county, State or Federal court shall automatically be removed from office and may not stand for election for three (3) years thereafter.

(b) Any officer or councilman found guilty of a misdemeanor involving moral turpitude in any court shall automatically be removed from office, but such member may stand for nomination and re-election.

Section 2. Removal from Office. Any officer or councilman who shall fail to perform the duties assigned to him or shall be guilty of gross neglect may be removed by a two-thirds (2/3) vote of the Tribal Council, after affording the accused member a fair opportunity to be heard in his own defense. The decision of the Tribal Council shall be final.

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Section 3. Any complaint against the President, a member, or officer of the Tribal Council must be in writing and sworn to be the complainant.

Section 4. Filling Vacancies in Office. If the office of President or Vice President, or a seat on the Tribal Council allocated to a Reservation district, becomes vacant due to death, resignation, removal, or other cause, the Tribal Council shall schedule a special election to fill the vacancy for the remainder of the term of office as follows:

(a) In the case of a vacancy in the office of President or Vice President, candidates for office shall be determined and the special election shall be held in accordance with Section 3 of Article VI. If the office of President is vacant, the Vice President shall serve as acting President in the interim. If the offices of both President and Vice President are vacant simultaneously, the Tribal Council shall appoint from within its own number an acting President who shall serve in the interim. While the Vice President or appointed Tribal Council member serves as acting President, such person's seat on the Tribal Council shall be considered temporarily vacant, and upon completion of such service such person shall resume occupancy of the seat.

(b) In the case of vacancy in one of the ten seats on the Tribal Council allocated among the districts, candidates shall be determined and the special election shall be held in accordance with Section 4 of Article VI.

(c) An election to fill a vacancy shall occur no later than 90 days after the occurrence of the vacancy, provided that, if the vacancy in office occurs when there is less than 180 days remaining in the term of office, the Tribal Council in its discretion may choose not to hold the election. The decision of the Tribal Council shall be final and not subject to judicial review in any court. If the Tribal Council so chooses not to hold an election as to a vacancy in the Tribal Council seat allocated to a district, the Council promptly shall publicly solicit the filing of Declarations of Candidacy by qualified persons desiring to be appointed to the seat for the remainder of its term. No filing fee shall be required. Promptly after the close of such filing period, by majority vote the Tribal Council shall make such appointment from among all qualified persons filing a Declaration of Candidacy.

(d) Subject to the provisions of this Constitution and Bylaws, all elections and other proceedings to fill a vacancy shall be conducted in accordance with such ordinances and resolutions as may be adopted by the Tribal Council.

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ARTICLE VIII – REFERENDUM

Section 1. Upon a petition, signed by at least ten (10) percent of the registered voters from each district, a referendum may be demanded on any tribal adoption of a person or the elimination of a person from the tribal roll, or on any proposed or enacted ordinance or resolution of the Tribal Council and the vote of the majority of the qualified voters voting in such referendum shall be conclusive and binding upon the Tribal Council, provided at least thirty (30) percent of the eligible voters shall vote in such referendum.

ARTICLE IX – LAND

Section 1. Allotted Lands. Allotted lands, including heirship land, within the Northern Cheyenne Indian Reservation shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Northern Cheyenne Tribe. Likewise, it is recognized that under existing law the Secretary of the Interior may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may be mortgaged or sold. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this Constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Northern Cheyenne Tribe either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

Section 2. Tribal Lands. The unallotted lands of the Northern Cheyenne Indian Reservation and all lands which may hereafter be acquired by the Northern Cheyenne Tribe or by the United States in trust for the Northern Cheyenne Tribe, shall be held as tribal lands and no part of such land shall be mortgaged, sold, or ceded. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Northern Cheyenne Tribe, or leased, or otherwise used by the Tribe, as hereinafter provided.

Section 3. Leasing of Tribal Land.

(a) Tribal land may be leased by the Tribal Council, with the approval of the Secretary of the Interior, for such periods as permitted by law.

(b) Grazing permits covering tribal lands may be issued by the Tribal Council, with the approval of the Secretary of the Interior, for such periods of time as permitted by law.

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Section 4. Assignments of Tribal Land.

(a) The Tribal Council may by ordinance approved by the Secretary of the Interior provide for the granting and tenure of assignments of tribal land to members of the Tribe, provided, the rights of all members of the Tribe be not violated.

(b) Any member of the Tribe who owns an allotment or any share of heirship land or patent-in-fee land may voluntarily transfer his interest in such land to the Tribe in exchange for an assignment to the same land or for other land or a proportionate share in a larger grazing unit.

Section 5. Use of Unassigned Tribal Land. Tribal land which is not leased or assigned, including tribal timber reserves, shall be managed by the Tribal Council subject to the approval of the Secretary of the Interior, for the benefit of the members of the entire Tribe, and any cash income derived from such land shall accrue to the benefit of the Tribe as a whole.

Section 6. Purchase of Land by Tribe. The Northern Cheyenne Tribal Council is hereby authorized and empowered to use tribal funds to purchase lands or interest in lands for and on behalf of the Northern Cheyenne Tribe under such terms as may be agreed upon provided the purchase is approved by the Secretary of the Interior.

ARTICLE X – AMENDMENTS

This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the Tribe, voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of two-thirds (2/3) of the Tribal Council, or upon presentation of a petition signed by one-third (1/3) of the qualified voters of the Tribe.

ARTICLE XI – SEPARATION OF POWERS

Section 1. Three Branches of Tribal Government. The power of the government of the Tribe shall be divided into three distinct branches – Legislative, Executive and Judicial. No person or entity charged with the exercise of power of one branch shall exercise a power belonging to another branch unless expressly authorized to do so in this constitution and Bylaws, Tribal law, or applicable federal law.

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(a) The Legislative Branch shall consist of the Tribal Council and all committees of the Tribal Council. The Tribal Council shall exercise the legislative power of the Tribe, subject to the right of referendum reserved to the Tribal membership under Article VIII.

(b) The Executive Branch shall consist of the Tribal President, Vice President, Secretary and Treasurer, and all administrative agencies, departments and other instrumentalities of the Executive Branch.

(c) The Judicial Branch shall consist of all courts established by ordinance under Article IV, Section 1(I) or any other provision of this Constitution and Bylaws.

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BYLAWS

ARTICLE I – DUTIES OF OFFICERS

Section 1. The President may, if he desires, preside over all meetings of the Tribal Council. He shall, with the advice and consent of the Tribal Council, appoint delegates, representatives, committees, or other officers as are deemed proper from time to time. He shall have power to fill all vacancies, not otherwise provided for in this Constitution and Bylaws, that may occur when the Tribal Council is not in session and then he shall submit the names of such appointees at the following session. It shall be his duty to convene the Tribal Council for extra sessions. It shall be his duty to see that all enactments, orders, and resolutions are properly executed. He shall have the further right of conferring with any Federal or State official on any matters that affect the welfare of the Tribe. And he shall also have the further right to confer with the several district councils.

Section 2. The Vice President shall act as presiding officer of the Tribal Council whenever the President does not so preside. Whenever the President does not preside he may delegate any or all of his powers to the Vice President. In the event that the office of the President becomes vacant, the Vice President shall become temporary President and shall perform the duties and execute the powers of President until the office of President is filled.

Section 3. The Tribal Council Secretary shall keep a full report of all proceedings of each regular and special meeting of the Tribal Council and shall perform such other duties of like nature as the Council shall from time to time by resolution provide, and shall transmit copies of the minutes of each meeting to the President of the Council, to the Superintendent of the Reservation, to the Commissioner of Indian Affairs, and to all recognized District Councils of the reservation.

Section 4. The Tribal Council Treasurer shall be the custodian of all moneys which come under the jurisdiction or control of the Tribal Council of the Northern Cheyenne. He shall pay out money in accordance with the orders and resolutions of the council. He shall keep accounts of all receipts and disbursements and shall make written reports of same to the Tribal Council at each regular and special meeting. He shall be bonded in such an amount as the Council by resolution shall provide such bond to be approved by the Commissioner of Indian Affairs. The books of the Tribal Council Treasurer shall be subject to inspection or audit by the direction of the Council or the Commissioner of Indian Affairs.

Section 5. The Sergeant at Arms shall be present at all regular and extra sessions and shall keep order in such meetings and shall perform such other duties as the Tribal Council may be resolution provide.

ARTICLE II – QUALIFICATIONS

Section 1. In order for a person to be eligible for the office of President of the Tribal Council he must be at least thirty (30) years of age and a member, by blood, of the Northern Cheyenne Tribe.

Section 2. Any person elected as a member of the Tribal Council must be at least twenty-one (21) years of age and a member of the Northern Cheyenne Tribe.

ARTICLE III – CERTIFICATION

Section 1. The Tribal Council shall appoint an election board which shall certify to the election of all members elected and this shall be done within five (5) days after the election.

Section 2. (Oath) I, _____, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; carry out faithfully and impartially the duties of my office to the best of my ability; promote and protect the best interests of my Tribe, the Northern Cheyenne, in accordance with this Constitution and Bylaws.

This oath of office shall be administered by a Notary Public or Judge.

ARTICLE IV – SALARIES

Section 1. The salaries of the members or other officers of the Tribal Council of the Northern Cheyenne Tribe may be paid out of available funds within the exclusive control of the Tribal Council or out of any other available tribal funds with the approval of the secretary of the Interior in accordance with ordinances duly enacted, provided that no Tribal Council shall enact any ordinance increasing the salaries of councilmen during the existing term of office.

ARTICLE V – MEETINGS AND PROCEDURE

Section 1. The Tribal Council shall assemble on the first and third Mondays of each month.

Section 2. A majority of two-thirds (2/3) of the members of the Tribal Council must be present in order to constitute a quorum to do business.

Section 3. Extra sessions may be called by the President or by three members of the Tribal Council in writing to the President and when so-called two-thirds (2/3) of the members of the Tribal Council must be present to constitute a quorum, and the Tribal Council shall have power to transact business as in regular meetings.

Section 4. The presiding officer in meetings of the Tribal Council shall vote only in the case of a tie.

Section 5. Every order, resolution, or vote to which the concurrence of the Tribal Council may be necessary (except on the question of adjournment) shall be presented to the President of the Tribal Council, and before the same shall take effect it shall be approved by him or being disapproved by him may become effective by being repassed by affirmative vote of seven members of the Tribal Council.

ARTICLE VI – ADOPTION OF CONSTITUTION AND BYLAWS

Section 1. This Constitution and the attached Bylaws when approved by a majority of the adult voters of the Northern Cheyenne Tribe voting in a special election called by the Secretary of the Interior in which at least 30 percent of the eligible voters vote, shall be submitted to the Secretary of the Interior for approval and shall be effective from the date of such approval.

ARTICLE VII – CODE OF ETHICS

Section 1. It is declared that the observance of high ethical standards by the President, Vice President, Secretary and Treasurer, and all members of the Tribal Council ("Tribal Officials") is essential to the conduct of Tribal government. In order to promote such high standards of public service and to strengthen the confidence of the Tribal membership in Tribal government, the principles set forth in Section 2 below are adopted as a Code of Ethics for Tribal Officials.

Section 2. Every Tribal Official shall be guided by the following principles in discharging the duties and exercising the powers of office. Except as may be otherwise specifically required or permitted by Tribal or federal law, while in office every Tribal Offic ial shall:

(a) discharge the duties and exercise the powers of office in good faith and in a manner which the Tribal Official believes will best serve the interests of the Tribe;

(b) not accept any compensation, gratuity, benefit or advantage (other than duly authorized emoluments of office) from any source other than the Tribe in return for exercising or abstaining from exercising any duty or right of office in any particular way;

(c) not use Tribal money, property or personnel for personal benefit;

(d) not disclose or use for personal gain any confidential information of the Tribe;

(e) not knowingly falsify, alter, conceal or destroy and official book, record, account or other document of the Tribe;

(f) not present, allow or pay any charge or claim against the Tribe which the Tribal Official knows to be improper; and

(g) not knowingly make any false statement in any official statement, report, certificate or other document, presented to or on behalf of Tribal government or the Tribal membership, which has an adverse effect on significant interests of the Tribe or its membership.

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INDIAN AFFAIRS.

LAWS AND TREATIES.

Vol. II.
(TREATIES.)

COMPILED AND EDITED
BY
CHARLES J. KAPPLER, LL. M.,
CLERK TO THE SENATE COMMITTEE
ON INDIAN AFFAIRS.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1904.

TREATY WITH THE CHEYENNE TRIBE, 1825

July 6, 1825
7 Stat. 255
Proclamation
Feb. 6, 1826

For the Purpose of perpetuating the friendship which has heretofore existed, as also to remove all future cause of discussion or dissension, as it respects trade and friendship between the United States and their citizens, and the Chayenne tribe of Indians, the President of the United States of America, by Brigadier-General Henry Atkinson, of the United States' Army, and Major Benjamin O'Fallon, Indian agent, with full powers and authority, specially appointed and commissioned for that purpose of the one part, and the undersigned Chiefs, Headmen and Warriors, of the Chayenne tribe of Indians, on behalf of said tribe, of the other part, have made and entered into the following Articles and Conditions; which when ratified by the President of the United States, by and with the advice and consent of the Senate, shall be binding on both parties – to wit:

ARTICLE 1.

Supremacy of United States acknowledged

It is admitted by the Chayenne tribe of Indians, that they reside within the territorial limits of the United States, acknowledge their supremacy, and claim their protection, - The said tribe also admit the right of the United States to regulate all trade and intercourse with them.

ARTICLE 2.

United States receive them under their protection.

The United States agree to receive the Chayenne tribe of Indians into their friendship, and under their protection, and to extend to them, from time to time, such benefits and acts of kindness as may be convenient, and seem just and proper to the President of the United States.

ARTICLE 3.

Places for trade to be designated by the President.

All trade and intercourse with the Chayenne tribe shall be transacted at such place or places as may be designated and pointed out by the President of the United States, through his agents; and none but American citizens, duly authorized by the United States shall be admitted to trade or hold intercourse with said tribe of Indians.

ARTICLE 4.

Regulation of trade.

That the Chayenne tribe may be accommodated with such articles of merchandise, &c. as their necessities may demand, the United States agree to admit and license traders to hold intercourse with said tribe, under mild and equitable regulations: in consideration of which, the Chayenne tribe bind themselves to extend protection to the persons and the property of the traders, and the persons legally employed under them, whilst they remain within the limits of their particular district of country. And the said Chayenne tribe further agree, that if any foreigner or other person, not legally authorized by the United States, shall come into their district of country, for the purposes of trade or other views, they will apprehend such person or persons, and deliver him or them to some United States' superintendent or agent of Indian Affairs, or to the commandant of the nearest military post, to be dealt with according to law. And they further agree to give safe conduct to all persons who may be legally authorized by the United States to pass through their country, and to protect in their persons and property all agents or other persons sent by the United States to reside temporarily among them; nor will they, whilst on their distant excursions, molest or interrupt any American citizen or citizens, who may be passing from the United States to New Mexico, or returning from thence to the United States.

ARTICLE 5.

Course to be pursued in order to prevent injuries by individuals, etc.

That the friendship which is now established between the United States and the Chayenne tribe, should not be interrupted by the misconduct of individuals, it is hereby agreed, that for injuries done by individuals, no private revenge or retaliation shall take place, but instead thereof, complaints shall be made, by the party injured, to the superintendent or agent of Indian affairs, or other person appointed by the President; and it shall be the duty of the said chiefs, upon complaint being made as afore-said, to deliver up the person or persons against whom the complaint is made, to the end that he or they may be punished, agreeably to the laws of the United States. And, in like manner, if any robbery, violence, or murder, shall be committed on any Indian or Indians belonging to said tribe, the person or persons so offending shall be tried, and, if found guilty, shall be punished in like manner as if the injury had been done to a white man. And it is agreed, that the Chiefs of said Chayenne tribe shall, to the utmost of their power, exert

Chiefs to exert themselves to recover stolen property.

themselves to recover horses or other property, which may be stolen or taken from any citizen or citizens of the United States, by any individual or individuals of said tribe; and the property so recovered shall be forthwith delivered to the agents or other person authorized to receive it, that it may be restored to the proper owner. And the United States hereby guarantee to any Indian or Indians of said tribe, a full indemnification for any horses or other property which may be stolen from them by any of their citizens: *Provided,* That the property so stolen cannot be recovered, and that sufficient proof is produced that it was actually stolen by a citizen of the United States. And the said Chayenne tribe engage, on the requisition or demand of the President of the United States, or of the agents, to deliver up any white man resident among them.

ARTICLE 6.

No guns, etc., to be furnished to any tribe hostile to United States.

AND THE Chiefs and Warriors, as aforesaid, promise and engage that their tribe will never, by sale, exchange, or as presents, supply any nation or tribe of Indians, not in amity with the United States, with guns, ammunition, or other implements of war.

Done at the mouth of the Teton River, this sixth day of July, A.D. 1825, and of the independence of the United States the fiftieth.

In testimony whereof, the said commissioners, Henry Atkinson and Benjamin O'Fallon, and the chiefs, head men, and warriors, of the Chayenne tribe, have hereunto set their hands and affixed their seals.

H. Atkinson, brigadier general, U.S. Army, [L.S.]
Benj. O'Fallon, United States Agent Indian Affairs, [L.S.]

Chiefs:

Sho-e-mow-e-to-chaw-ca-we-wah-ca-to-we, or the wolf with the high back, his x mark [L.S.]
We-che-gal-la, or the Little Moon, his x mark, [L.S.]
Ta-ton-ca-pa, or the Buffalo Head, his x mark, [L.S.]
J-a-pu, or the one who walks against the others, his mark, [L.S.]

Warriors:

Ta-ke-che-sca, or the White Deer, his x mark, [L.S.]
Chah-pac-pah-ha, or the one that raises the War Club, his x mark, [L.S.]
Ta-ton-ca-hoo-oh-ca-la-eh-pa-ha, or the pile of Buffalo bones, his x mark, [L.S.]

Ma-te-wash-e-na, or the Little White Bear, his x mark, [L.S.]
Shong-ge-mon-e-to, or the Wolf, his x mark, [L.S.]
Shong-ge-mon-e-to-e-ah-ca, or the running, Wolf, his x mark, [L.S.]
Nah-pa-ton-ca, or the Big Hand, his x mark, [L.S.]
Oh-kee-che-ta, or the Soldier, his x mark, [L.S.]
Tah-hi-o-ta, or the Lousy man, his x mark, [L.S.]

In presence of-
G.H. Kennerly, U.S. special Indian agent,
John Gale, surgeon, U.S. Army,
D. Ketchum, major, U.S. Army,
B. Riley, captain, Sixth Infantry,
John Gantt, captain, Sixth Infantry,
C. Pentland, captain, Sixth Infantry,
R.B. Mason, captain, First Infantry,
R.M. Coleman, U.S. Army,
G.C. Spencer, captain, First Infantry,
R. Holmes, lieutenant, Sixth Infantry,
M.W. Batman, lieutenant, Sixth Infantry,
Levi Nute, lieutenant, U.S. Army,
Wm. S Harney, lieutenant, First Infantry,
Jas. W. Kinsbury, lieutenant, First Regiment Infantry,
Wm. Armstrong, captain, Sixth Regiment Infantry,
S.W. Kearny, brevet major, First Infantry,
H. Leavenworth, brevet colonel, Sixth Infantry,
J.V. Swearengen, lieutenant, Sixth Infantry,
R.M. Coleman, U.S. Army,
C. Harris, lieutenant, First Infantry,
Wm. Day, lieutenant, U.S. Army,
S. Wragg, adjutant, First Regiment Infantry,
Thos. P Gwynn, lieutenant, First Infantry.

TREATY OF FORT LARAMIE WITH SIOUX, ETC., 1851

Sept.17, 1851
11 Stats., p. 749

Articles of a treaty made and concluded at Fort Laramie, in the Indian Territory, between D.D. Mitchell, superintendent of Indian affairs, and Thomas Fitzpatrick, Indian agent, commissioners specially appointed and authorized by the President of the United States, of the first part, and the chiefs, headmen, and braves of the following Indian nations, residing south of the Missouri River, east of the rocky Mountains, and north of the lines of Texas and New Mexico, viz, the Sioux or Dahcotahs, Cheyennes, Arrapahoes, Crows, Assinaboines, Gros-Ventre Mandans, and Arrickaras, parties of the second part, on the seventeenth day of September, A.D. one thousand eight hundred and fifty-one.[a]

Peace to be observed.

ARTICLE 1. The aforesaid nations, parties to this treaty, having assembled for the purpose of establishing and confirming peaceful relations amongst themselves, do hereby covenant and agree to abstain in future from all hostilities whatever against each other, to maintain good faith and friendship in all their mutual intercourse, and to make an effective and lasting peace.

Roads may be established.

ARTICLE 2. The aforesaid nations do hereby recognize the right of the United States Government to establish roads, military and other posts, within their respective territories.

Indians to be protected.

ARTICLE 3. In consideration of the rights and privileges acknowledged in the preceding article, the United States bind themselves to protect the aforesaid Indian nations against the commission of all depredations by the people of the said United States, after the ratification of this treaty.

Depredations on whites to be satisfied.

ARTICLE 4. The aforesaid Indian nations do hereby agree and bind themselves to make restitution or satisfaction for any wrongs committed, after the ratification of this treaty, by any band or individual of their people, on the people of the United States, whilst lawfully residing in or passing through their respective territories.

[a] This treaty as signed was ratified by the Senate with an amendment changing the annuity in Article 7 from fifty to ten years, subject to acceptance by the tribes. Assent of all tribes except the Crows was procured (see Upper Platte C., 570, 1853, Indian Office) and in subsequent agreements this treaty has been recognized as in force (see post p. 776).

ARTICLE 5. The aforesaid Indian nations do hereby recognize and acknowledge the following tracts of country, included within the metes and boundaries hereinafter designated, as their respective territories, viz:

Boundaries of lands.

The territory of the Sioux or Dahcotah Nation, commencing the mouth of the White Earth River, on the Missouri River; thence in a southwesterly direction to the forks of the Platte River; thence up the north fork of the Platte River to a point known as the Red Bute, or where the road leaves the river; thence along the range of mountains known as the Black Hills, to the head-waters of Heart River; thence down Heart River to its mouth; and thence down the Missouri river to the place of beginning.

Sioux.

The territory of the Gros Ventre, Mandans, and Arrickarras Nations, commencing at the mouth of Heart River; thence up the Missouri River to the mouth of the Yellowstone River; thence up the Yellowstone River to the mouth of Powder River in a southeasterly direction, to the head-waters of the Little Missouri River; thence along the Black Hills to the head of Heart River, and thence down Heart River to the place of beginning.

Grosventre, etc.

The territory of the Assinaboin Nation, commencing at the mouth of Yellowstone River; thence up the Missouri River to the mouth of the Muscle-shell River; thence from the mouth of the Muscle-shell River in a southeasterly direction until it strikes the head-waters of Big Dry Creek; thence down that creek to where it empties into the Yellowstone River, nearly opposite the mouth of Powder River, and thence down the Yellowstone River to the place of beginning.

Assiniboin.

The territory of the Blackfoot Nation, commencing at the mouth of Muscle-shell River; thence up the Missouri River to its source; thence along the main range of the Rocky Mountains, in a southerly direction, to the head-waters of the northern source of the Yellowstone River; thence down the Yellowstone River to the mouth of Twenty-five Yard Creek; thence across to the head-waters of the Muscle-shell River, and thence down the Muscle-shell River to the place of beginning.

Blackfoot.

The territory of the Crow Nation, commencing at the mouth of Powder River on the Yellowstone; thence up Powder River to its source; thence along the main range of the Black Hills and Wind River Mountains to the head-waters of the Yellowstone River; thence down the Yellowstone River to the mouth of Twenty-five Yard Creek; thence to the head waters of the Muscle-shell River; thence down the Muscle-shell

Crow

River to its mouth; thence to the head-waters of Big Dry Creek, and thence to its mouth.

Cheyenne and Arapaho.

The territory of the Cheyennes and Arrapahoes, commencing at the Red Bute, or the place where the road leaves the north fork of the Platte River; thence up the north fork of the Platte River to its source; thence along the main range of the Rocky Mountains to the head-waters of the Arkansas River; thence down the Arkansas River to the crossing of the Santa Fé road; thence in a northwesterly direction to the forks of the Platte River, and thence up the Platte River to the place of beginning.

Rights in other lands.

It is, however, understood that, in making this recognition and acknowledgement, the aforesaid Indian nations do not hereby abandon or prejudice any rights or claims they may have to other lands; and further, that they do not surrender the privilege of hunting, fishing, or passing over any of the tracts of country heretofore described.

Head chiefs of said tribes.

ARTICLE 6. The parties to the second part of this treaty having selected principals or head-chiefs for their respective nations, through whom all national business will hereafter be conducted, do hereby bind themselves to sustain said chiefs and their successors during good behavior.

Annuities.

ARTICLE 7. In consideration of the treaty stipulations, and for the damages which have or may occur by reason thereof to the Indian nations, parties hereto, and for their maintenance and the improvement of their moral and social customs, the United States bind themselves to deliver to the said Indian nations the sum of fifty thousand dollars per annum for the term of ten years, with the right to continue the same at the discretion of the President of the United States for a period not exceeding five years thereafter, in provisions, merchandise, domestic animals, and agricultural implements, in such proportions as may be deemed best adapted to their condition by the President of the United States, to be distributed in proportion to the population of the aforesaid Indian nations.

Annuities suspended by violation of treaty.

ARTICLE 8. It is understood and agreed that should any of the Indian nations, parties to this treaty, violate any of the provisions thereof, the United States may withhold the whole or a portion of the annuities mentioned in the preceding article from the nation so offending, until, in the opinion of

the President of the United States, proper satisfaction shall have been made.

In testimony whereof the said D.D. Mitchell and Thomas Fitzpatrick commissioners as aforesaid, and the chiefs, headmen, and braves, parties hereto, have set their hands and affixed their marks, on the day and at the place first above written.

D.D. Mitchell
Thomas Fitzpatrick
Commissioners.

Sioux:
Mah-toe-wha-you-whey, his x mark.
Mah-kah-toe-zah-zah, his x mark.
Bel-o-ton-kah-tan-ga, his x mark.
Nah-ka-pah-gi-gi, his x mark.
Mak-toe-sah-bi-chis, his x mark.
Meh-wha-tah-ni-hans-kah, his x mark.
Cheyennes:
Wah-ha-nis-satta, his x mark.
Voist-ti-toe-vetz, his x mark.
Nahk-ko-me-ien, his x mark.
Koh-kah-y-wh-cum-est, his x mark.
Arrapahoes:
Bè-ah-té-a-qui-sah, his x mark.
Neb-ni-bah-seh-it, his x mark.
Beh-kah-jay-beth-sah-es, his x mark.
Crows:
Arra-tu-ri-sash, his x mark.
Doh-chepit-seh-chi-es, his x mark.
Assinaboines:
Mah-toe-wit-ko, his x mark.
Toe-tah-ki-eh-nan, his x mark.
Mandans and Gros Ventres:
Nochk-pit-shi-toe-pish, his x mark.
She-oh-mant-ho, his x mark.
Arickarees:
Koun-hei-ti-shan, his x mark.
Bi-atch-tah-wetch, his x mark.

In presence of -
A.B. Chambers, secretary.
S. Cooper, colonel, U.S. Army.
R.H. Chilton, captain, First Drags.

Thomas Duncan, captain, Mounted Rifle-men.
Thos. G. Rhett, brevet captain R.M.R.
W.L. Elliott, first lieutenant R.M.R.
C. Campbell, interpreter for Sioux.
John S. Smith, interpreter for Cheyennes.
Robert Meldrum, interpreter for the Crows.
H. Culbertson, interpreter for Assiniboines and Gros Ventres.
Francois L'Etalie, interpreter for Arickarees.
John Pizelle, interpreter for the Arrapahoes.
B. Gratz Brown.
Robert Campbell.
Edmond F. Chouteau.

TREATY WITH THE ARAPAHO AND CHEYENNE, 1861.

Feb. 18, 1861
12 Stat., 1163
Ratified, Aug. 6, 1861.
Proclaimed Dec. 5, 1861.

Articles of agreement and convention made and concluded at Fort Wise, in the Territory of Kansas, on the eighteenth day of February, in the year of our Lord one thousand eight hundred and sixty-one, by and between Albert G. Boone and F.B. Culver, commissioners on the part of the United States, and the following named chiefs and delegates, representing the confederated tribes of Arapahoe and Cheyenne Indians of the Upper Arkansas River, viz: Little Raven, Storm, Shave-Head, and Big-Mouth, (on the part of the Arapahoes), and Black Kettle, White Antelope, Lean Bear, Little Wolf, and Left Hand, or Namos (on the part of the Cheyennes), they being thereto duly authorized by said confederated tribes of Indians.

Cession of lands.

ARTICLE 1. The said chiefs and delegates of said Arapahoe and Cheyenne tribes of Indians do hereby cede and relinquish to the United States all lands now owned, possessed, or claimed by them, wherever situated, except a tract to be reserved for the use of said tribes located within the following described boundaries, to wit: Beginning at the mouth of the Sandy Fork of the Arkansas River and extending westwardly along the said river to the mouth of Purgatory River; thence along up the west bank of the Purgatory River to the northern boundary of the Territory of New Mexico; thence west along said boundary to a point where a line drawn due south from a point on the Arkansas River, five miles east of the mouth of the Huerfano River, would intersect said northern boundary of New Mexico; thence due north from that point on said boundary of the Sandy Fork to the place of the beginning.

Boundaries.

Tenure of lands.

The Arapahoe and Cheyennes, being desirous of promoting settled habits of industry and enterprise among themselves, by abolishing the tenure in common by which they now hold their lands, and by assigning limited quantities thereof in severalty to the individual members of the respective tribes, to be cultivated and improved for their individual use and benefit, it is hereby agreed and stipulated that the tract of country contained within the boundary above described shall

be set apart and retained by them for the purposes aforesaid.

Reservation to be surveyed and divided.

According to the understanding among themselves, it is hereby agreed between the United States and the said tribes that the said reservation shall be surveyed and divided by a line to be run due north from a point on the northern boundary of New Mexico, fifteen miles west of Purgatory River, and extending to the Sandy Fork of the Arkansas River, which said line shall establish the eastern boundary of that portion of the reservation, to be hereafter occupied by the Cheyennes, and the western boundary of portion of said reservation to be hereafter occupied by the Arapahoes.

Assignment in severalty of lands to members of tribe.

To agent of tribes.

ARTICLE 2. Out of the lands so set apart and retained there shall be assigned to each member of said tribes, without distinction of age or sex, a tract of forty acres, to include in every case, as far as practicable, a reasonable portion of timber and water; one hundred and sixty acres of said retained lands shall also be set apart and appropriated to the use and occupancy of the agent, for the time being, of said tribes; and one hundred and sixty acres shall also be reserved out of each division of the retained tract for the establishment and support of schools for the education of the youth of the tribe. The location of the tracts, the assignment of which is provided for in this article, shall be made in as regular and compact a manner as possible, and so as to admit of a distinct and well-defined exterior boundary, embracing the whole of them, and any intermediate portions or parcels of land or water not included in or made part of the tracts assigned in severalty. All such intermediate parcels of land and water shall be owned in common by the tribe occupying that portion of the reservation within the limits of which said parcels of land and water may be included; but in case of increase in the tribe, or other causes rendering it necessary or expedient, the said intermediate parcels of land shall be subject to distribution and assignment in such manner as the Secretary of the Interior may prescribe and direct. The whole of the lands, assigned and unassigned, embraced within the exterior boundary herein designated, shall constitute and be known as the Reservation of the Arapahoes and Cheyennes of the Upper Arkansas; and all laws which have been or may be passed by the Congress of the United States regulating

For schools.

Location of land.

Lands owned in common.

Name of reservation.

Laws.

trade and intercourse with Indian tribes, shall have full force and effect over the same, and no white person, except as shall be in the employment of the United States, shall be allowed to reside or go upon any portion of said reservation without the written permission of the superintendent of the central superintendency, or of the agent of the tribes.

Assignment to be under the direction of the Secretary of the Interior. Certificates.

ARTICLE 3. The division and assignment in severalty among the Arapahoes and Cheyennes of the land hereinbefore reserved for that purpose, shall be made under the direction of the Secretary of the Interior, and his decision of all questions arising thereupon shall be final and conclusive. Certificates shall be issued by the Commissioner of Indian Affairs for the tracts assigned in severalty, specifying the names of the individuals to whom they have been assigned respectively, and that the said tracts are set apart for the exclusive use and benefit of the assignees and their heirs. And said tracts shall not be alienated in fee, leased, or otherwise disposed of, except to the United States, or to members of the respective bands of Arapahoes and Cheyennes, and under such rules and regulations as may be prescribed by the Secretary of the Interior. And said tracts shall be exempt from taxation, levy, sale, or forfeiture, until otherwise provided by Congress. Prior to the issue of the certificates aforesaid, the Secretary of the Interior shall make such rules and regulations as he may deem necessary or expedient respecting the disposition of any of said tracts, in the case of the death of the person or persons to whom they may be assigned, so that the same shall be secured to the families of such deceased persons; and should any of the Indians to whom tracts shall be assigned, abandon them, the said Secretary may take such action in relation to the proper disposition thereof as, in his judgment, may be necessary and proper.

Lands not to be alienated, except, etc.

To be exempt, etc.

Disposition in case of death, etc.

Stipulations on part of the United States.

ARTICLE 4th. In consideration of the foregoing cession, relinquishment, and agreements, and for the purpose of establishing the Arapahoes and Cheyennes comfortably upon the lands to be assigned to them in severalty, by building them houses, and by furnishing them with agricultural implements, stock animals, and other necessary aid and facilities for commencing agricultural pursuits under

favorable circumstances, the United States do hereby agree and stipulate as follows, to wit: 1st. To protect the said Arapahoes and Cheyennes in the quiet and peaceful possession of the said tract of land so reserved for their future home, and also their persons and property thereon, during good behavior on their part. 2d. To pay to them, or expend for their benefit the sum of thirty thousand dollars per annum for fifteen years; that is to say, fifteen thousand dollars per annum for each tribe for that number of years, commencing with the year in which they shall remove to and settle and reside upon their said reservation; making four hundred and fifty thousand dollars in annuities in the period of fifteen years, of which sum the Secretary of the Interior shall, from time to time, determine what proportion shall be expended for their benefit, and for what object such expenditure shall be made, due regard being had, in making such determination, to the best interests of said Indians. He shall likewise exercise the power to make such provision out of said sums as he may deem to be necessary and proper for the support and comfort of the aged or infirm and helpless orphans of the said Indians. Their annuities may, at the discretion of the President of the United States, be discontinued entirely, should said Indians fail to make reasonable and satisfactory efforts to advance and improve their condition; in which case such other provision shall be made for them as the President and Congress may judge to be suitable and proper. 3d. It is hereby agreed that the expenses to be incurred in the purchase of agricultural implements, stock animals, etc., referred to in this article, as also the cost and expenses of breaking up and fencing land, building houses, store-houses, and other needful buildings, or in making such other improvements as may be necessary for their comfort and welfare, shall be defrayed out of the aforesaid sum of four hundred and fifty thousand dollars, to be paid to or expended for the benefit of the Arapahoes and Cheyennes as annuities.

Protection of persons and property.

Annuities..

Aged and infirm.

Annuities may be discontinued.

Purchase of stock, agricultural implements, etc.

ARTICLE 5th. To provide the said Indians with a mill suitable for sawing timber and grinding grain, one or more mechanic shops, with necessary tools for the same, and dwelling-houses for an interpreter, miller, engineer for the

Mills and mechanic shops.

mill, (if one be necessary,) farmers, and the mechanics that may be employed for their benefit, the United States agree to expend therefor a sum not exceeding five thousand dollars per annum for five years; and it is agreed that all articles of goods and provisions, stock, implements, lumber, machinery, &c., referred to in this treaty, shall be transported to the respective tribes of Arapahoes and Cheyennes, at the cost and expense of the United States.

All members of the tribe to participate.

ARTICLE 6th. The Arapahoes and Cheyennes of the Upper Arkansas, parties to this Agreement, are anxious that all the members of their tribe shall participate in the advantages herein provided for respecting their improvements and civilization, and, to that end, to induce all that are now separated to rejoin and reunite with them. It is therefore agreed that, as soon as practicable, the Commissioner of Indian affairs shall cause the necessary proceedings to be adopted to have them notified of this agreement and its advantages; and to induce them to come in and unite with their brethren; and to enable them to do so, and to sustain themselves for a reasonable time thereafter, such assistance shall be provided for them, at the expense of the tribe as may be actually necessary for that purpose: *Provided, however,* That those who did not rejoin and permanently reunite themselves with the tribe within one year from the date of the ratification of this treaty, shall not be entitled to the benefit of any of its stipulations.

To come in within one year.

Further aid.

ARTICLE 7th. Should any further aid from time to time be necessary to enable the Arapahoes and Cheyennes of the Upper Arkansas to sustain themselves successfully in agricultural or other industrial pursuits, such additional means as may be required therefor shall be taken from the moneys due and belonging to them under the provisions of former treaties or articles of agreement and convention, and so much of said moneys as may be required to furnish them further aid as aforesaid shall be applied in such manner, under the direction of the Secretary of the Interior, as he shall consider best calculated to improve and promote their welfare. And, in order to render unnecessary any further treaty engagements

or arrangements hereafter with the United States, it is hereby agreed and stipulated that the President, with the assent of Congress, shall have full power to modify or change any of the provisions of former treaties with the Arapahoes and Cheyennes of the Upper Arkansas, in such manner and to whatever extent he may judge to be necessary and expedient for their best interests.

President and Congress may modify, etc., former treaties.

ARTICLE 8th. All the expenses connected with and incident to the making of this agreement and carrying out its provisions shall be defrayed by the United States, except as otherwise herein provided.

Expenses of this treaty.

ARTICLE 9th. It is agreed that all roads and highways, laid out by authority of law, shall have right of way through the lands within the reservation hereinbefore specified, on the same terms as are provided by law when roads and highways are made through lands of citizens of the United States.

Roads, etc., to have right of way.

ARTICLE 10th. It is also agreed by the United States that the annuities now paid to the Arapahoes and Cheyennes, under existing treaties or articles of agreement and convention, shall be continued to them until the stipulations of said treaties or articles of agreement and convention relating to such annuities shall be fulfilled.

Existing annunities to be continued, etc.

ARTICLE 11th. [Stricken out]

ARTICLE 12th. This instrument shall be obligatory on the contracting parties whenever the same shall be ratified by the President and the Senate of the United States.

Instrument, when to be obligatory.

In testimony whereof, the said Commissioner[s] as aforesaid, and the said Chiefs and Delegates of the Arapahoes and Cheyennes of the Upper Arkansas, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

A.G. Boone,
United States Indian Agent and Commissioner.
F.B. Culver,
Commissioner and Special Agent.

On the part of the Arapahoes:
Ho-ha-ca-che, his x mark, or Little Raven.
Ac-ker-ba-the, his x mark, or Storm.
Che-ne-na-e-te, his x mark, Shave-Head.
Ma-na-sa-te, his x mark, Big Mouth.
On the part of the Cheyennes:
Mo-ta-va-to, his x mark, Black Kettle.
Vo-ki-vokamast, his x mark, White Antelope.
Avo-na-co, his x mark, Lean Bear.
O-ne-a-ha-ket, his x mark, Little Wolf.
Na-ko-hais-tah, his x mark, Tall Bear.
A-am-a-na-co, his x mark, Left Hand, or Namos.
John S. Smith, United States interpreter.
Robert Bent, United States interpreter.

Witnesses to the signatures:
John Sedgwick, major of Cavalry.
R. Ransom, Jr., lieutenant of Cavalry.
J.E.B. Stuart, first lieutenant First Cavalry.
John White, clerk to the Indian signatures.

Gift to Robert Bent.

P.S.-And it is further understood, before signing the above treaty, that it was the particular request and wish of the Chiefs and Counciliors in general convention, in consideration of Robert Bent being one of their half-breed tribe, that he should have, as a gift from the nation, six hundred and forty acres of land, covering the valley and what is called the Sulphur Spring, lying on the north side of the Arkansas River and about five miles below the Pawne, Hills, and they wish the general government to recognize and confirm the same; and that Jack Smith, son of John S. Smith, who is also a half-breed of said nation, shall have six hundred and forty acres of land, lying seven miles above Bent's Old Fort, on the north side of the Arkansas River, including the valley and point of rock, and respectfully recommend the general government to confirm and recognize the same.

To Jack Smith.

TREATY WITH THE CHEYENNE AND ARAPAHO, 1865.

Articles of a treaty made and concluded at the camp on the Little Arkansas River, in the State of Kansas, on the fourteenth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between John B. Sanborn, William S. Harney, Thomas Murphy, Kit Carson, William W. Bent, Jesse H. Leavenworth, and James Steele, commissioners on the part of the United States, and the undersigned, chiefs and head-men of and representing the confederate tribes of Arrapahoe and Cheyenne Indians of the Upper Arkansas River, they being duly authorized by their respective tribes to act in the premises.

Oct 14, 1865. 14 Stats., 703 Ratified May 22, 1866. Proclaimed Feb. 2, 1867.

Perpetual peace.

ARTICLE 1. It is agreed by the parties to this treaty that hereafter perpetual peace shall be maintained between the people and Government of the United States and the Indians parties hereto, and that the Indians parties hereto, shall forever remain at peace with each other, and with all other Indians who sustain friendly relations with the Government of the United States. For the purpose of enforcing the provisions of this article it is agreed that in case hostile acts or depredations are committed by the people of the United States, or by Indians on friendly terms with the United States, against the tribe or tribes, or the individual members of the tribe or tribes, who are parties to this treaty, such hostile acts or depredations shall not be redressed by a resort to arms, but the party or parties aggrieved shall submit their complaints through their agent to the President of the United States, and thereupon an impartial arbitration shall be had, under his direction, and the award thus made shall be binding on all parties interested, and the Government of the United States will in good faith enforce the same. And the Indians, parties hereto, on their part, agree, in case crimes or other violations of law shall be committed by any person or persons, members of their tribe, such person or persons shall, upon complaint being made, in writing, to their agent, superintendent of Indian affairs, or to other proper authority, by the party injured, and verified by affidavit, be delivered to the person

Hostile acts to be settled by arbitration.

Members of tribes committing depredations to be surrendered.

duly authorized to take such person or persons into custody, to the end that such person or persons may be punished according to the laws of the United States.

ARTICLE 2. The United States hereby agree that the district of country embraced within the following limits, or such portion of the same as may hereafter be designated by the President of the United States for that purpose, viz: commencing at the mouth of the Red Creek or Red Fork of the Arkansas River; thence up said creek or fork to its source; thence westwardly to a point on the Cimarone River, opposite the mouth of Buffalo Creek; thence due north to the Arkansas River; thence down the same to the beginning, shall be, and is hereby, set apart for the absolute and undisturbed use and occupation of the tribes who are parties to this treaty, and of such other friendly tribes as they may from time to time agree to admit among them, and that no white person, except officers, agents, and employees of the Government, shall go upon or settle within the country embraced within said limits, unless formerly admitted and incorporated into some one of the tribes lawfully residing there, according to its laws and usages: *Provided, however,* That said Indians shall not be required to settle upon said reservation until such time as the United States shall have extinguished all claims of title thereto on the part of other Indians, so that the Indians parties hereto may live thereon at peace with all other tribes: *Provided, however,* That as soon as practicable, with the assent of said tribe, the President of the United States shall designate for said tribes a reservation, no part of which shall be within the State of Kansas, and cause them as soon as practicable to remove to and settle thereon, but no such reservation shall be designated upon any reserve belonging to any other Indian tribe or tribes without their consent.

Reservation for Indians who are parties hereto.

Boundaries.

No whites except, etc., to settle thereon, unless.

Indians not required to settle thereon, until, etc.

Amendment.

The Indians parties hereto, on their part, expressly agree to remove to and accept as their permanent home the country embraced within said limits whenever directed so to do by the President of the United States, in accordance with the provisions of this treaty, and that they will not go from said country for hunting or other purposes without the consent in writing of their agent or other authorized person, such written consent in all cases specifying the purpose for which such

To remove thereto and not leave unless, etc.

leave is granted, and shall be borne with them upon their excursions as evidence that they are rightfully away from their reservation, and shall be respected by all officers, employees, and citizens of the United States as their sufficient safeguard and protection against injury or damage in person or property by any and all persons whomsoever.

To refrain from depredations.

It is further agreed by the Indians parties hereto that when absent from their reservation they will refrain from the commission of any depredations or injuries to the person or property of all persons sustaining friendly relations with the Government of the United States: that they will not, while so absent, encamp by day or night within ten miles of any of the main traveled routes or roads through the country to which they go, or of the military posts, towns, or villages therein, without the consent of the commanders of such military posts, or of the civil authorities of such towns or villages; and that henceforth they will, and do hereby, relinquish all claims or rights in and to any portion of the United States or Territories, except such as is embraced within the limits aforesaid, and more especially their claims and rights in and to the country bounded as follows, viz: beginning at the junction of the north and south forks of the Platte River; thence up the north fork to the top of the principal range of the Rocky Mountains, or to the Red Buttes; thence southwardly along the summit of the Rocky Mountains to the headwaters of the Arkansas River; thence down the Arkansas River to the Cimarone crossing of the same; thence to the place of beginning; which country they claim to have originally owned, and never to have relinquished the title thereto.

Not to encamp within 10 miles of, etc.

Claims to other lands relinquished, and especially to certain thus bounded.

ARTICLE 3. It is further agreed that until the Indians parties hereto have removed to the reservation provided for by the preceding article in pursuance of the stipulations thereof, said Indians shall be, and they are hereby, expressly permitted to reside upon and range at pleasure throughout the unsettled portions of that part of the country they claim as originally theirs, which lies between the Arkansas and Platte Rivers; and that they shall and will not go elsewhere, except upon the terms and conditions prescribed by the preceding article in relation to leaving the reservation thereby provided for: *Provided.* That the provisions of the preceding article in

Until removed to reservation. Indians to be where.

Proviso.

regard to encamping within ten miles of main traveled routes, military posts, towns, and villages shall be in full force as to occupancy of the country named and permitted by the terms of this article: *Provided, further,* That they, the said Indians, shall and will at all times during such occupancy, without delay, report to the commander of the nearest military post the presence in or approach to said country of any hostile bands of Indians whatsoever.

Proviso.

ARTICLE 4. It is further agreed by the parties hereto that the United States may lay off and build through the reservation, provided for by Article 2 of this treaty, such roads or highways as may be deemed necessary; as may be deemed necessary: and may also establish such military posts within the same as may be found necessary in order to preserve peace among the Indians, and in order to enforce such laws, rules, and regulations as are now, or may from time to time be, prescribed by the President and Congress of the United States for the protection of the rights of persons and property among the Indians residing upon said reservation; and further, that in time of war such other military posts as may be considered essential to the general interests of the United States may be established: *Provided, however,* that upon the building of such roads, or establishment of such military posts, the amount of injury sustained by reason thereof by the Indians inhabiting said reservation shall be ascertained under direction of the President of the United States, and thereupon such compensation shall be made to said Indians as in the judgment of the Congress of the United States may be deemed just and proper.

United States may build roads through reservation and establish military posts.

Damages therefor to be ascertained and paid.

ARTICLE 5. At the special request of the Cheyenne and Arrapahoe Indians, parties to this treaty, the United States agree to grant, by patent in fee-simple, to the following-named persons, all of whom are related to the Cheyennes or Arrapahoes by blood, to each an amount of land equal to one section of six hundred and forty acres, viz: To Mrs. Margaret Wilmarth and her children, Virginia Fitzpatrick, and Andrew Jackson Fitzpatrick; to Mrs. Mary Keith and her children,

Patents for 640 acres in fee simple to certain persons.

Jackson Fitzpatrick; to Mrs. Mary Keith and her children, William Keith, Mary J. Keith, and Francis Keith; to Mrs. Matilda Pepperdin and her child, Miss Margaret Pepperdin; to Robert Poisal and John Poisal; to Edmund Guerrier, Rosa Guerrier, and Julia Guerrier; to William W. Bent's daughter, Mary Bent Moore, and her three children, Adia Moore, William Bent Moore, and George Moore; to William W. Bent's children, George Bent, Charles Bent, and Julia Bent; to A-ma-che, the wife of John Prowers, and her children, Mary Prowers and Susan Prowers; to the children of Ote-se-ot-see, wife of John Y. Sickles, viz: Margaret, Minnie, and John; to the children of John S. Smith, interpreter, William Gilpin Smith, and daughter Armama; to Jenny Lind Crocker, daughter of Ne-sou-hoe, or Are-you-there, wife of Lieutenant Crocker; to--- Winsor, daughter of Tow-e-nah, wife of A.T. Winsor, sutler, formerly at Fort Lyon. Said lands to be selected under the direction of the Secretary of the Interior, from the reservation established by the 1st article of their treaty of February 18, A.D. 1861: *Provided,* That said locations shall not be made upon any lands heretofore granted by the United States to any person, State, or corporation, for any purpose.

Grants of lands in reparation for outrages against certain bands, to certain chiefs of bands.

ARTICLE 6. The United States being desirous to express its condemnation of, and, as far as may be, repudiate the gross and wanton outrages perpetrated against certain bands of Cheyenne and Arrapahoe Indians, on the twenty-ninth day of November, A.D. 1864, at Sand Creek, in Colorado Territory, while the said Indians were at peace with the United States, and under its flag, whose protection they had by lawful authority been promised and induced to seek, and the Government being desirous to make some suitable reparation for the injuries then done, will grant three hundred and twenty acres of land by patent to each of the following-named chiefs of said bands, viz: Moke-ta-ve-to, or Black Kettle; Oh-tah-ha-ne-so-weel, or Seven Bulls; Alik-ke-home-ma, or Little Robe; Moke-tah-vo-ve-hoe, or Black White Man; and will in like manner grant to each other person of said bands made a window, or who lost a parent upon that occasion, one hundred and sixty acres of land, the names of such persons to be ascertained under the direction of the Secretary of the

Interior: *Provided,* That said grants shall be conditioned that all devises, grants, alienations, leases, and contracts relative to said lands, made or entered into during the period of fifty ears from the date of such patents, shall be unlawful and void. Said lands shall be selected under the direction of the Secretary of the Interior within the limits of country hereby set apart as a reservation for the Indians parties to this treaty, and shall be free from assessment and taxation so long as they remain inalienable. The United States will also pay in United States securities, animals, goods, provisions, or such other useful articles as may, in the discretion of the Secretary of the Interior, be deemed best adapted to the respective wants and conditions of the persons named in the schedule hereto annexed, they being present and members of the bands who suffered at Sand Creek, upon the occasion aforesaid, the sums set opposite their names, respectively, as a compensation for property belonging to them, and then and there destroyed or taken from them by the United States troops aforesaid.

Conditions of grants.

Lands, how to be selected.

Further compen-sation for property lost.

ARTICLE 7. The United States agree that they will expend annually during the period of forty years, from and after the ratification of this treaty, for the benefit of the Indians who are parties hereto, and of such others as may unite with them in pursuance of the terms hereof, in such manner and for such purposes as, in the judgment of the Secretary of the Interior, for the time being, will best subserve their wants and interests as a people, the following amounts, that is to say, until such time as said Indians shall be removed to their reservation, as provided for by Article 2 of this treaty, an amount which shall be equal to twenty dollars per capita for each person entitled to participate in the beneficial provisions of this treaty, and from and after the time when such removal shall have been accomplished, an amount which shall be equal to forty dollars per capita for each person entitled as aforesaid. Such proportion of the expenditure provided for by this article as may be considered expedient to distribute in the form of annuities shall be delivered to said Indians as follows, viz: one-third thereof during the spring, and two-thirds thereof during the autumn of each year.

Annuities for forty years.

Amount.

When to be delivered.

For the purpose of determining from time to time the aggregate amount to be expended under the provisions of this article, it is agreed that the number entitled to its beneficial provisions the coming year is two thousand eight hundred, and that an accurate census of the Indians entitled shall be taken at the time of the annuity payment in the spring of each year by their agent or other person designated for that purpose by the Secretary of the Interior, which census shall be the basis on which the amount to be expended the next ensuing year shall be determined.

Present number of Indians.

ARTICLE 8. The Indians parties to this treaty expressly covenant and agree that they will use their utmost endeavor to induce that portion of the respective tribes not now present to unite with them and acceed to the provisions of this treaty, which union and accession shall be evidenced and made binding on all parties whenever such absentees shall have participated in the beneficial provisions of this treaty.

Other portion of tribe to be urged to join in this treaty.

ARTICLE 9. Upon the ratification of this treaty all former treaties are hereby abrogated.

In testimony whereof, the said Commissioners as aforesaid, and the undersigned chiefs and headmen of the confederated tribes of the Arrapahoes and Cheyennes of the Upper Arkansas, have hereunto set their hands and seals, at the place and on the day and year first hereinbefore written.

John B. Sanborn,	[SEAL.]
Wm. S. Harney,	[SEAL.]
Thos. Murphy,	[SEAL.]
Kit Carson,	[SEAL.]
Wm. W. Bent,	[SEAL.]
J.H. Leavenworth,	[SEAL.]
James Steele,	[SEAL.]

Commissioners on the part of the United States.

Moke-ta-ve-tó, or Black Kettle, head chief, his x mark. [SEAL.]
Oh-to-ah-ne-so-to-wheo, or Seven Bulls, chief, his x mark. [SEAL.]
Hark-kah-o-me, or Little Robe, chief, his x mark. [SEAL.]

Moke-tah-vo-ve-ho, or Black White Man, chief, his x mark. [SEAL.]
Mun-a-men-ek, or Eagle's Head, headman, his x mark. [SEAL.]
O-to-ah-nis-to, or Bull that Hears, headman, his x mark. [SEAL.]

On the part of the Cheyennes.

Oh-has-tee, or Little Raven, head chief, his x mark. [SEAL.]
Oh-hah-mah-hah, or Storm, chief, his x mark. [SEAL]
Pah-uf-pah-top, or Big Mouth, chief, his x mark. [SEAL.]
Ah-cra-kah-tau-nah, or Spotted Wolf, chief, his mark. [SEAL.]
Ah-nah-wat-tan, or Black Man, headman, his x mark. [SEAL.]
Nah-a-nah-cha, or Chief in Everything, headman, his x mark. [SEAL.]
Chi-e-nuk, or Haversack, headman, his x mark. [SEAL.]

On the part of the Arrapahoes.

Signed and sealed in the presence of –

John S. Smith, United States interpreter.
W.R. Irwin, secretary
O.T. Atwood, secretary
S.A. Kingman, secretary
D.C. McNeil,
E.W. Wynkoop,
Bon. H. Van Havre,
J.E. Badger,
W.W. Rich.

N. B. – The Apache tribe was brought into the provisions of the above treaty by the second article of the treaty with the Apaches, Cheyennes and Arrapahoes, proclaimed May 26, 1866.

TREATY WITH THE APACHE, CHEYENNE, AND ARAPAHO, 1865.

Oct. 17, 1865
14 Stat., 713.
Ratified May 22, 1866.
Proclaimed May 26, 1866.

Preamble.

Whereas a treaty was made and concluded, by and between the undersigned commissioners on the part of the United States, and the undersigned chiefs and head-men of the Cheyenne and Arrapahoe tribes of Indians, on the part of said tribes, on the fourteenth day of October, A.D. 1865, at the council-grounds on the Little Arkansas River, in the State of Kansas; and, whereas, the Apache Indians, who have been heretofore confederated with the Kiowa and Comanche tribes of Indians, are desirous of dissolving said confederation and uniting their fortunes with the said Cheyennes and Arrapahoes; and whereas the said last-named tribes are willing to receive among themselves on an equal footing with the members of their own tribes, the said Apache Indians; and the United States, by their said commissioners, having given their assent thereto; it is therefore hereby agreed by and between the United States, by their said commissioners, and the said Cheyenne, Arrapahoe, and Apache Indians, by the undersigned chiefs and head-men of said tribes respectively, as follows, viz:

Cheyenne, Arapaho, and Apache tribes are united and recognized as confederated tribes by the United States.

ARTICLE 1. The said Cheyenne, Arrapahoe, and Apache tribes, henceforth shall be and they are hereby united, and the United States will hereafter recognize said tribes as the confederated bands or tribes of Cheyenne, Arrapahoe, and Apache Indians.

Stipulations of former treaty to be binding upon the parties hereto.

ARTICLE 2. The several terms, stipulations and agreements to be done and preformed on the part of the United States for and with the said Cheyenne and Arrapahoe tribes of Indians, and by the said Cheyenne and Arrapahoe tribes of Indians, for and with the United States, by the provisions of said treaty of October 14th, A.D. 1865, shall be done and performed by the United States for and on behalf of the said confederated tribes or bands of Cheyenne, Arrapahoe, and Apache Indians, and on their part shall be done, observed and performed to, with and for the United States in the same manner, to the same extent, and for like

objects, to all intents and purposes, as would have been the case had said treaty been originally made and executed with the said confederated tribes of Cheyenne, Arrapahoe, and Apache Indians.

In testimony whereof, the undersigned, Commissioners on the part of the United States, and the chiefs and headmen of said tribes, have hereunto set their hands and seals at the council-ground on the Little Arkansas, in the State of Kansas, this 17th day of October, A.D. 1865.

John B. Sanborn, [SEAL.]
Wm. S. Harney, [SEAL.]
James Steele, [SEAL.]
Wm. W. Bent, [SEAL.]
Kit Carson, [SEAL.]
Thos. Murphy, [SEAL.]
J.H. Leavenworth, [SEAL.]

Commissioners on the part of the United States.

Kou-zhon-ta-co, or Poor Bear, head chief, his x mark.[SEAL]
Ba-zhe-ech, or Iron Shirt, his x mark. [SEAL.]
Az-che-om-a-te-ne, or the Old Fool Man, chief, his x mark. [SEAL.]
Karn-tin-ta, or the Crow, chief, his x mark. [SEAL.]
Mah-vip-pah, or The Wolf Sleeve, chief, his x mark. [SEAL.]
Nahn-tan, or The Chief, his x mark. [SEAL.]

On the part of the Apaches.

Moke-ta-ve-to, or Black Kettle, head chief, his x mark. [SEAL.]
Oh-to-ah-ne-so-to-wheo, or Seven Bulls, chief, his x mark. [SEAL.]
Hark-kah-o-me, or Little Robe, chief, his x mark. [SEAL.]
Moke-tah-vo-ve-ho, or Black White Man, chief, his x mark. [SEAL.]
Mun-a-men-ek, or Eagle's Head, headman, his x mark. [SEAL.]
O-to-ah-nis-to, or Bull that Hears, headman, his x mark [SEAL.]

On the part of the Cheyennes.

Oh-has-tee, or Little Raven, head chief, his x mark. [SEAL.]
Oh-hah-mah-hah, or Storm, chief, his x mark. [SEAL.]
Pah-uf-pah-top, or Big Mouth, chief, his x mark. [SEAL.]

Ah-cra-ka-tau-nah, or Spotted Wolf, chief, his x mark.
[SEAL.]
Ah-nah-wat-tan, or Black Man, headman, his x mark.
[SEAL.]
Nah-a-nah-cha, Chief in Everything, headman, his x mark
[SEAL.]
Chi-e-nuk, or Haversack, headman, his x mark. [SEAL.]
On the part of the Arrapahoes.

Signed and sealed in the presence of -
W.R. Irwin, Secretary.
D.C. McNeil.

TREATY WITH THE CHEYENNE AND ARAPAHO, 1867

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Articles of a treaty and agreement made and entered into at the Council Camp on Medicine Lodge Creek, seventy miles south of Fort Larned, in the State of Kansas, on the twenty-eighth day of October, eighteen hundred and sixty-seven, by and between the United States of America, represented by its commissioners duly appointed thereto, to wit: Nathaniel G. Taylor, William S. Harney, C.C. Augur, Alfred II. Terry, John B. Sanborn, Samuel F. Tappan and John B. Henderson, of the one part, and the Cheyenne and Arapahoe tribes of Indians, represented by their chiefs and head-men duly authorized and empowered to act for the body of the people of said tribes – the names of said chiefs and head-men being hereto subscribed – of the other part, witness:

Oct 28, 1867
15 Stats., 593
Ratified July 25, 1868.
Proclaimed Aug. 19, 1868.

Peace and friendship.

ARTICLE 1. From this day forward all war between the parties to this agreement shall forever cease. The Government of the United States desires peace, and its honor is here pledged to keep it. The Indians desire peace, and they now pledge their honor to maintain it.

Offenders among the whites to be arrested and punished.

If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington City, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained.

Among the Indians, to be given up to the United States, etc.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States and at peace therewith, the tribes herein named solemnly agree that they will, on proof made to their agent, and notice by him, deliver up the wrongdoer to the United States, to be tried and punished according to its laws; and in case they willfully refuse so to do, the person injured shall be re-imbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States. And the President, on advising with

Rules for ascertaining damages.

the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages, under the provisions of this article, as in his judgment may be proper. But no such damages shall be adjusted and paid until thoroughly examined and passed upon by the Commissioner of Indian Affairs and the Secretary of the Interior, and no one sustaining loss, while violating, or because of his violating, the provisions of this treaty or the laws of the United States, shall be re-imbursed therefor.

Reservation.

Boundaries.

ARTICLE 2. The United States agrees that the following district of country, to wit: commencing at the point where the Arkansas River crosses the 37th parallel of north latitude, thence west on said parallel – the said line being the southern boundary of the State of Kansas – to the Cimarone River, (sometimes called the Red Fork of the Arkansas River), thence down said Cimarone River, in the middle of the main channel thereof, to the Arkansas River; thence up the Arkansas River, in the middle of the main channel thereof, to the place of beginning, shall be and the same is hereby set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians, as from time to time they may be willing, with the consent of the United States, to admit among them; and the United States now solemnly agrees that no persons except those herein authorized so to do, and except such officers, agents, and employés of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, or in such territory as may be added to this reservation for the use of said Indians.

Who not to reside thereon, etc.

Reservation to be enlarged, if, etc.

ARTICLE 3. If it should appear from actual survey or other examination of said tract of land, that it contains less than one hundred and sixty acres of tillable land for each person who at the time may be authorized to reside on it, under the provisions of this treaty, and a very considerable number of such persons shall be disposed to commence cultivating the soil as farmers, the United States agrees to set apart for the use of said Indians as herein provided, such

additional quantity of arable land adjoining to said reservation, or as near the same as it can be obtained, as may be required to provide the necessary amount.

Buildings to be constructed.

ARTICLE 4. The United States agrees at its own proper expense to construct at some place near the center of said reservation, where timber and water may be convenient, the following buildings, to wit: a warehouse or store-room for the use of the agent in storing goods belonging to the Indians, to cost not exceeding fifteen hundred dollars; an agency-building for the residence of the agent, to cost not exceeding three thousand dollars; a residence for the physician, to cost not more then three thousand dollars; and five other buildings, for a carpenter, farmer, blacksmith, miller, and engineer, each to cost not exceeding two thousand dollars; also a school-house or mission-building, so soon as a sufficient number of children can be induced by the agent to attend school, which shall not cost exceeding five thousand dollars. The United States agrees, further, to cause to be erected on said reservation, near the other buildings herein authorized, a good steam circular saw-mill, with a grist-mill and shingle machine attached; the same to cost not exceeding eight thousand dollars.

Agent to make his home and reside where.

ARTICLE 5. The United States agrees that the agent for said Indians in the future shall make his home at the agency building; that he shall reside among them, and keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint by and against the Indians as may be presented for investigation, under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined on him by law. In all cases of depredation on person or property, he shall cause the evidence to be taken in writing and forwarded, together with his finding, to the Commissioner of Indian Affairs, whose decision, subject to the revision of the Secretary of the Interior, shall be binding on the parties to this treaty.

Heads of families desiring to commence farming may select land, etc.

ARTICLE 6. If any individual, belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the

privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservation not exceeding three hundred and twenty acres in extent, which tract when so selected, certified, and recorded in the land-book as herein directed, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it. Any person over eighteen years of age, not being the head of a family, may in like manner select and cause to be certified to him, or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

Effect of such selection.

Persons not heads of families.

For each tract of land so selected, a certificate containing a description thereof, and the name of the person selecting it, with a certificate indorsed thereon, that the same has been recorded, shall be delivered to the party entitled to it by the agent, after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the " Cheyenne and Arapahoe Land Book." The President may at any time order a survey of the reservation, and, when so surveyed, Congress shall provide for protecting the rights of settlers in their improvements, and may fix the character of the title held by each.

Certificates of selection to be delivered, etc., to be recorded.

Survey.

The United States may pass such laws on the subject of alienation and descent of property, and on all subjects connected with the government of the Indians on said reservations, and the internal police thereof as may be thought proper.

Alienation and descent of property.

ARTICLE 7. In order to insure the civilization of the tribes entering into this treaty, the necessity of education is admitted, especially by such of them as are or may be settled on said agricultural reservation, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children between said ages, who can be induced or compelled to attend school, a house shall be provided, and a teacher competent to teach

Children between 6 and 16 to attend school

Duty of agent.

Schoolhouses and teachers.

the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for not less then twenty years.

Seeds and agricultural implements.

ARTICLE 8. When the head of a family or lodge shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, not exceeding in value one hundred dollars; and for each succeeding year he shall continue to farm for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid, not exceeding in value twenty-five dollars.

Instructions in farming.

And it is further stipulated that such persons as commence farming shall receive instruction from the farmer herein provided for; and whenever more than one hundred persons shall enter upon the cultivation of the soil, a second blacksmith shall be provided, with such iron, steel, and other material as may be needed.

Physician, farmer, etc., may be withdrawn, etc.; and additional appropriation in such cases.

ARTICLE 9. At any time after ten years from the making of this treaty the United States shall have the privilege of withdrawing the physician, farmer, blacksmith, carpenter, engineer, and miller, herein provided for, but in case of such withdrawal, an additional sum, thereafter, of ten thousand dollars per annum shall be devoted to the education of said Indians, and the Commissioner of Indian Affairs shall upon careful inquiry into their condition made such rules and regulations for the expenditure of said sum as will best promote the educational and moral improvement of said tribes.

Articles in lieu of money and annuities.

ARTICLE 10. In lieu of all sums of money or other annuities provided to be paid to the Indians herein named, under the treaty of October fourteenth, eighteen hundred and sixty-five, made at the mouth of Little Arkansas, and under all treaties made previous thereto, the United States agrees to deliver at the agency house on the reservation herein named, on the fifteenth day of October, of each year, for thirty years, the following articles, to wit:

Clothing.

For each male person over fourteen years of age, a suit of good, substantial woolen clothing, consisting of coat, pantaloons, flannel shirt, hat, and a pair of home-made socks.

For each female over twelve years of age, a flannel skirt, or the goods necessary to make it, a pair of woolen hose, twelve yards of calico and twelve yards of cotton domestics.

For the boys and girls under the ages named, such flannel and cotton goods as may be needed to make each a suit as aforesaid, together with a pair of woolen hose for each.

Census annually.

And in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent each year to forward to him a full and exact census of the Indians on which the estimate from year to year can be based.

Annual appropriation of money for thirty years.

And, in addition to the clothing herein named, the sum of twenty thousand dollars shall be annually appropriated for a period of thirty years, to be used by the Secretary of the Interior in the purchase of such articles as, from time to time, the condition and necessities of the Indians may indicate to be proper. And if at any time, within the thirty years, it shall appear that the amount of money needed for clothing, under this article, can be appropriated to better uses for the tribe herein named, Congress may, by law, change the appropriation to other purposes; but, in no event, shall the amount of this appropriation be withdrawn or discontinued for the period named. And the President shall, annually, detail an officer of the Army to be present, and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery.

Army officer to be present at delivery of goods.

Lands outside the reservation to be relinquished to the United States.

Right to hunt reserved.

ARTICLE 11. In consideration of the advantages and benefits conferred by this treaty, and the many pledges of friendship by the United States, the tribes who are parties to this agreement hereby stipulate that they will relinquish all right to occupy permanently the territory outside of their reservation as herein defined, but they yet reserve the right to hunt on any lands south of the Arkansas so long as the buffalo may range thereon in such numbers as to justify the chase; and no white settlements shall be permitted on any part of the lands contained in the old reservation as defined by the treaty

Limit to white settlements.

made between the United States and the Cheyenne, Arapahoe, and Apache tribes of Indians, at the mouth of the Little Arkansas, under date of October fourteenth, eighteen hundred and sixty-five, within three years from this date, and they, the said tribes, further expressly agree:

Express agreements as to railroads.

1st. That they will withdraw all opposition to the construction of the railroad now being built on the Smoky Hill River, whether it be built to Colorado or New Mexico.

2d. That they will permit the peaceable construction of any railroad not passing over their reservation, as herein defined.

Wagon trains, coaches, etc.

3d. That they will not attack any persons at home or travelling, nor molest or disturb any wagon-trains, coaches, mules, or cattle belonging to the people of the United States or to persons friendly therewith.

White women and children.

4th. They will never capture or carry off from the settlements white women or children.

White men.

5th. They will never kill or scalp white men, nor attempt to do them harm.

Railroads and other roads.

6th. They withdraw all pretense of opposition to the construction of the railroad now being built along the Platte River, and westward to the Pacific Ocean; and they will not in future object to the construction of railroads, wagon-roads, mail-stations, or other works of utility or necessity, which may be ordered or permitted by the laws of the United States.

Damage to their reservation.

But should such roads or other works be constructed on the lands of their reservation, the Government will pay the tribe whatever amount of damage may be assessed by three disinterested commissioners to be appointed by the President for that purpose, one of said commissioners to be a chief or head-man of the tribe.

Military posts and roads.

7th. They agree to withdraw all opposition to the military posts or roads now established, or that may be established, not in violation of treaties heretofore made or hereafter to be made with any of the Indian tribes.

Cession of reservation not to be valid unless, etc.

ARTICLE 12. No treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force as against the said Indians unless executed and signed by at least three-fourths of all the adult male Indians occupying or interested in the same; and no cession by the tribe shall be understood or construed

in such manner as to deprive without his consent any individual member of the tribe of his rights to any tract of land selected by him as provided in Article 6 of this treaty.

ARTICLE 13. The United States hereby agree to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths, as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

Physicians, etc., to be furnished by the United States.

ARTICLE 14. It is agreed that the sum of five hundred dollars, annually, for three years from date, shall be expended in presents to the ten persons of said tribe who, in the judgment of the agent, may grow the most valuable crops for the respective year.

Annual presents for the most valuable crops.

ARTICLE 15. The tribes herein named agree that when the agency-house and other buildings shall be constructed on the reservation named, they will regard and make said reservation their permanent home, and they will make no permanent settlement elsewhere, but they shall have the right, subject to the conditions and modifications of this treaty, to hunt on the lands south of the Arkansas River, formerly called theirs, in the same manner as agreed on by the treaty of the "Little Arkansas," concluded the fourteenth day of October, eighteen hundred and sixty-five.

Reservation to be permanent home, etc.

In testimony of which, we have hereunto set our hands and seals, on the day and year aforesaid.

N.G. Taylor, [SEAL.]
President of Indn. Commission.
Wm.S. Harney [SEAL.]
Major-General, Brevet, &c.
C.C. Augur, [SEAL.]
Brevet Major-General.
Alfred H. Terry, [SEAL.]
Brevet Major-General.
John B. Sanborn, [SEAL.]
Commissioner.
Samuel F. Tappan.[SEAL.]
J.B. Henderson. [SEAL.]

Attest:
Ashton S.H. White, secretary.
Geo. B. Willis, phonographer.

On the part of the Cheyennes:

O-to-ah-nac-co, Bull Bear, his x mark, [SEAL.]
Moke-tav-a-to, Black Kettle, his x mark, [SEAL.]
Nac-co-hah-ket, Little Bear, his x mark, [SEAL.]
Mo-a-vo-va-ast, Spotted Elk, his x mark, [SEAL.]
Is-se-von-ne-ve, Buffalo Chief, his x mark, [SEAL.]
Vip-po-nah, Slim Face, his x mark, [SEAL.]
Wo-pah-ah, Gray Head, his x mark, [SEAL.]
O-ni-hah-ket, Little Rock, his x mark, [SEAL.]
Ma-mo-ki, or Curly Hair, his x mark, [SEAL.]
O-to-ah-has-tis, Tall Bull, his x mark, [SEAL.]
Wo-po-ham, or White Horse, his x mark, [SEAL.]
Hah-ket-home-mah, Little Robe, his x mark, [SEAL.]
Min-nin-ne-wah, Whirlwind, his x mark, [SEAL.]
Mo-yan-histe-histow, Heap of Birds, his x mark, [SEAL.]

On the part of the Arapahoes:

Little Raven, his x mark, [SEAL.]
Yellow Bear, his x mark, [SEAL.]
Storm, his x mark, [SEAL.]
White Rabbit, his x mark, [SEAL.]
Spotted Wolf, his x mark, [SEAL.]
Little Big Mouth, his x mark, [SEAL.]
Young Colt, his x mark, [SEAL.]
Tall Bear, his x mark, [SEAK.]

Attest:
C.W. Whitaker, interpreter.
H. Douglas, major, Third Infantry.
Jno. D. Howland, clerk Indian Commission.
Sam'l. S. Smoot, United States surveyor.
A.A. Taylor.
Henry Stanley, correspondent.
John S. Smith, United States interpreter.
George Bent, interpreter.
Thos. Murphy, superintendent Indian affairs.

TREATY WITH THE NORTHERN CHEYENNE AND NORTHERN ARAPAHO, 1868.

May 10, 1868.
15 Stats., 655.
Ratified July 25, 1868.
Proclaimed Aug. 25, 1868.

Articles of a treaty made and concluded at Fort Laramie, Dakota Territory, on the tenth day of May, in the year of our Lord one thousand eight hundred and sixty-eight, by and between the undersigned commissioners on the part of the United States, and the undersigned chiefs and head-men of and representing the Northern Cheyenne and Northern Arapahoe Indians, they being duly authorized to act in the premises.

Peace and friendship.

ARTICLE 1. From this day forward peace between the parties to this treaty shall forever continue. The Government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they hereby pledge their honor to maintain it. If bad men among the whites, or among the other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington City, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained.

Offenders among the whites to be arrested and punished.

Among the Indians, to be given up to the United States, etc.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States and at peace therewith, the Indians herein named solemnly agree that they will, on proof made to their agent and notice by him, deliver up the wrong-doer to the United States, to be tried and punished according to its laws; and in case they wilfully refuse so to do, the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States. And the President, on advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as in his judgment may be proper. But no such damages shall be adjusted and paid until

Rules for ascertaining damages.

thoroughly examined and passed upon by the Commissioner of Indian Affairs, and no one sustaining loss while violating or because of his violating the provisions of this treaty or the laws of the United States shall be reimbursed therefor.

Reservation.

ARTICLE 2. The Indians, parties to this treaty, hereby agree to accept for their permanent home some portion of the tract of country set apart and designated as a permanent reservation for the Southern Cheyenne and Arapahoe Indians by a treaty entered into by and between them and the United States, at Medicine Lodge Creek, on the – day of October, eighteen hundred and sixty-seven, or some portion of the country and reservation set apart and designated as a permanent home for the Brulé and other bands of Sioux Indians, by a treaty entered into by and between said Indians and the United States, at Fort Laramie, D.T., on the twenty-ninth day of April, eighteen hundred and sixty-eight. And the Northern Cheyenne and Arapahoe Indians do hereby relinquish, release, and surrender to the United States, all right, claim, and interest in and to all territory outside the two reservations above mentioned, except the right to roam and hunt while game shall be found in sufficient quantities to justify the chase. And they do solemnly agree that they will not build any permanent homes outside of said reservations, and that within one year from this date they will attach themselves permanently either to the agency provided for near the mouth of Medicine Lodge Creek, or to the agency about to be established on the Missouri River, near Fort Randall, or to the Crow agency near Otter Creek, on the Yellowstone River, provided for by treaty of the seventh day of May, eighteen hundred and sixty-eight, entered into by and between the United States and said Crow Indians, at Fort Laramie, D.T.; and it is hereby expressly understood that one portion of said Indians may attach themselves to one of the afore-mentioned reservations, and another portion to another of said reservations, as each part or portion of said Indians may elect.

Territory outside surrendered.

To belong to what agency.

Selection of reservation.

Heads of families desiring to

ARTICLE 3. If any individual belonging to said tribes of Indians, or legally incorporated with them, being the head of

a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservations not exceeding three hundred and twenty acres in extent, which tract, when so selected, certified, and recorded in the "Land Book" as herein directed, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.

commence farming may select lands, etc.

Effect of such selection.

Any person over eighteen years of age, not being the head of a family, may in like manner select and cause to be certified to him or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

Persons not heads of families.

For each tract of land so selected a certificate containing a description thereof and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it by the agent after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Northern Cheyenne and Arapahoe Land Book."

Certificates of selection to be delivered, etc.
To be recorded.

The President may, at any time, order a survey of the reservation; and when so surveyed, Congress shall provide for protecting the rights of settlers in their improvements, and may fix the character of the title held by each.

Survey.

The United States may pass such laws on the subject of alienation and descent of property as between Indians and on all subjects connected with the government of the Indians on said reservations, and the internal police thereof, as may be thought proper.

Alienation and descent of property.

ARTICLE 4. In order to insure the civilization of the tribe entering into this treaty, the necessity of education is admitted, especially by such of them as are or may be settled on said agricultural reservation, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school;

Children between 6 and 16 to attend school.

and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children, between said ages, who can be induced or compelled to attend school, a house shall be provided, and a teacher, competent to teach the elementary branches of an English education, shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for twenty years.

Duty of agent.

Schoolhouses and teachers.

ARTICLE 5. When the head of a family or lodge shall have selected lands, and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year in value one hundred dollars, and for each succeeding year he shall continue to farm for a period of three years more he shall be entitled to receive seeds and implements as aforesaid in value twenty-five dollars per annum.

Seeds and agricultural implements.

And it is further stipulated that such persons as commence farming shall receive instructions for the farmer herein provided for, and whenever more than one hundred persons shall enter upon the cultivation of the soil a second blacksmith shall be provided, with such iron, steel, and other material as may be needed.

Instructions in farming.

ARTICLE 6. In lieu of all sums of money or other annuities provided to be paid to the Indians herein named, under any and all treaties heretofore made with them, the United States agrees to deliver at the agency-house, on the reservations herein provided for, on the first day of September of each year, for thirty years, the following articles, to wit:

Delivery of articles in lieu of money and annuities.

For each male person over fourteen years of age, a suit of good substantial woolen clothing, consisting of coat, hat, pantaloons, flannel shirt, and a pair of woolen socks.

Clothing.

For each female over twelve years of age, a flannel skirt, or the goods necessary to make it, a pair of woolen hose, twelve yards of calico, and twelve yards of cotton domestics.

For the boys and girls under the ages named, such flannel and cotton goods as may be needed to make each a suit, as aforesaid, together with a pair of woolen hose for each.

Census.

And in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent each year to forward to him a full and exact census of the Indians, on which the estimates from year to year can be based.

Annual appropriation in money for ten years.

And, in addition to the clothing herein named, the sum of ten dollars shall be annually appropriated for each Indian roaming, and twenty dollars for each Indian engaged in agriculture, for a period of ten years, to be used by the Secretary of the Interior in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper. And if, at any time within the ten years, it shall appear that the amount of money needed for clothing under this article can be appropriated to better uses for the tribes herein named, Congress may by law change the appropriation to other purposes; but in no event shall the amount of this appropriation be withdrawn or discontinued for the period named. And the President shall annually detail an officer of the Army to be present and attest the delivery of all the goods, herein named, to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery; and it is expressly stipulated that each Indian over the age of four years, who shall have removed to and settled permanently upon said reservation and complied with the stipulations of this treaty, shall be entitled to receive from the United States, for the period of four years after he shall have settled upon said reservation, one pound of meat and one pound of flour per day, provided that the Indians cannot furnish their own subsistence at an earlier date; and it is further stipulated that the United States will furnish and deliver to each lodge of Indians, or family of

May be changed.

Army officer to attend the delivery of goods.

Subsistence.

persons legally incorporated with them, who shall remove to the reservation herein described and commence farming, one good American cow and one well-broken pair of American oxen, within sixty days after such lodge or family shall have so settled upon said reservation.

Cow and oxen to each family.

ARTICLE 7. The United States hereby agrees to furnish annually to the Indians who settle upon the reservation a physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths, as herein contemplated, and that such appropriations shall be made from time to time on the estimates of the Secretary of the Interior as will be sufficient to employ such persons.

Physician, teachers, etc.

ARTICLE 8. No treaty for the cession of any portion of the reservations herein described, which may be held in common, shall be of any force or validity as against the said Indians unless executed and signed by at least a majority of all the adult male Indians, occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his right to any tract of land selected by him, as hereinbefore provided.

Cession of reservation not to be valid unless, etc.

ARTICLE 9. It is agreed that the sum of five hundred dollars annually for three years, from the date when they commenced to cultivate a farm, shall be expended in presents to the ten persons of said tribe who, in the judgment of the agent, may grow the most valuable crops for the respective year.

Annual presents for most valuable crops.

W.T. Sherman,
Lieutenant-General.
Wm. S. Harney,
Brevet Major-General, U. S. Army.

Alfred H. Terry,
Brevet Major-General
C.C. Augur,
Brevet Major-General
John B. Sanborn,
S.F. Tappan,
Commissioners.

Attest:
Ashton S.H. White, Secretary.
Wah-tah-nah, Black Bear, his x mark. [SEAL.]
Bah-ta-che, Medicine Man, his x mark. [SEAL.]
Oh-cum-ga-che, Little Wolf, his x mark. [SEAL.]
Ichs-tah-en, Short Hair, his x mark. [SEAL.]
Non-ne-se-be, Sorrel Horse, his x mark. [SEAL.]
Ka-te-u-nan, The Under Man, his x mark. [SEAL.]
Ah-che-e-wah, The Man in the Sky, his x mark. [SEAL.]
We-ah-se-vose, The Big Wolf, his x mark. [SEAL.]
Ches-ne-on-e-ah, The Beau, his x mark. [SEAL.]
Mat-ah-ne-we-tah, The Man that falls from his horse, his x mark. [SEAL.]
Oh-e-na-ku, White Crow, his x mark. [SEAL.]
A-che-kan-koo-eni, Little Shield, his x mark. [SEAL.]
Tah-me-la-pash-me, or Dull Knife, his x mark. [SEAL.]

Attest:
George B. Willis, Phonographer.
John D. Howland. Alex. Gardner.
David Knox. Chas. Freeman.
Jas. C. O'Connor.

Northern Cheyenne Reserve.

[In Tongue River Agency; area, 765 square miles; established by Executive orders only.]

EXECUTIVE MANSION, *November 26, 1884.*

It is hereby ordered that the following-described country, lying within the boundaries of the Territory of Montana, viz: Beginning at the point on the one hundred and seventh meridian of west longitude (said meridian being the eastern boundary of the Crow Indian Reservation) where the southern 40-mile limits of the grant to the Northern Pacific Railroad company intersects said one hundred and seventh meridian; thence south along said meridian to a point 30 miles south of the point where the Montana base line, when extended, will intersect said meridian; thence due east to a point 12 miles east of the Rosebud River; thence in a northerly and northeasterly direction, along a line parallel with said Rosebud River and 12 miles distant therefrom, to a point on the southern 40-mile limits of the grant to the, Northern Pacific Railroad Company, 12 miles distant from said Rosebud River; thence westerly along the said southern limits and across the said Rosebud River to the place of beginning, be, and the same is hereby, withheld from sale and settlement, and set apart as a reservation for the use and occupation of the Northern Cheyenne Indians, now residing in the southern portion of Montana Territory, and such other Indians as the Secretary of the Interior may see fit to locate thereon: *Provided, however,* That any tract or tracts of land included within the foregoing described boundaries which have been located, resided upon, and improved by bona fide settlers, prior to the 1st day of October, 1884, to the amount to which such settlers might be entitled under the laws regulating the disposition of the public lands of the United States, or to which valid rights have attached under said laws. Are hereby excluded from the reservation hereby made.

CHESTER A ARTHUR.

Northern Cheyenne Reserve.

[In Tongue River Agency; area, 765 square miles; established by Executive orders only.]

EXECUTIVE MANSION, November 26, 1884.

It is hereby ordered that the following-described country, lying within the boundaries of the Territory of Montana, viz: Beginning at the point on the one hundred and seventh meridian of west longitude (said meridian being the eastern boundary of the Crow Indian Reservation) where the southern 40-mile limits of the grant to the Northern Pacific Railroad Company intersects said one hundred and seventh meridian; thence south along said meridian to a point 30 miles south of the point where Montana base line, when extended, will intersect said meridian; thence due east to a point 12 miles east of the Rosebud River; thence in a northerly and northeasterly direction, along a line parallel with said Rosebud River and 12 miles distant there from, to a point on the southern 40-mile limits of the grant to Northern Pacific Railroad Company, 12 miles distant from said Rosebud River; thence westerly along the said southern limits and across the said Rosebud River to the place of beginning, be, and the same is herby, withheld from sale and settlement, and set apart as a reservation for the use and occupation of the Northern Cheyenne Indians, now residing in the southern portion of Montana Territory, and such other Indians as the Secretary of the Interior may see fit to locate thereon: *Provided, however*, That any tract or tracts of land included within the foregoing described boundaries which have been located, resided upon, and improved by bona fide settlers, prior to the 1st day of October, 1884, to the amount to which such settlers might be entitled under the laws regulating the disposition of the public lands of the United States, or to which valid rights have attached under said laws, are hereby excluded from the reservation hereby made.

CHESTER A. ARTHUR.
EXECUTIVE MANSION, March 19, 1900

It is hereby ordered that the following-described tract of land lying in the State of Montana, the same being the tract described in Senate bill 2173, 56th Congress, 1st session, which tract includes the lands embraced in the boundaries set forth in Executive order issued November 26, 1884, relative to

the Northern Cheyenne reserve, be, and the same is hereby, withdrawn from sale and settlement and set apart as a reservation for the permanent use and occupation of the Indians now occupying or belonging upon the Northern Cheyenne Reservation, which reservation shall be known as the Northern Cheyenne Indian Reservation. Viz:

Beginning at the point in the middle of the channel of Tongue River and its intersection with the southern forty-mile limits of the grant to the Northern Pacific Railroad Company; thence west on the said southern forty-mile limits to its intersection with the eastern boundary line of the Crow Indian Reservation; thence south on said boundary line to its intersection with the line dividing townships five and six south; thence east on said dividing line of townships five and six south; to its intersection with the line dividing ranges forty and forty-one east; thence north on said line dividing ranges forty and forty-one east to the line dividing townships four and five south; thence east on the line townships four and five south to its intersection with Cook Creek; thence down Cook Creek to its confluence with Tongue River; thence down the middle of the channel of Tongue River to the place of beginning; *Provided, however*, That if upon the survey or resurvey of the boundary lines already established it shall be found that the main stream of Cook Creek on or near the range line between ranges forty and forty-one lies south of the line dividing townships four and five south, then in that case the line running north on the range line between ranges forty and forty-one shall extend north only to the intersection of said line with the main stream of Cook Creek, and thence down Cook Creek as hereinbefore provided: *Provided further,* That in the erection of the reservation boundary fence along said Cook Creek the same shall be so erected as to divide the waters as near as may be between the north and south sides thereof: *Proved further*, That certain tracts approximating sixty-five acres, lying west of Tongue River, in sections twenty-six and thirty-four south, of range forty-three east, owned by Joseph Scott, and the northeast quarter of section three in township three south, of range forty-four east, belonging to Saint Labra's Mission, and the south half of the northwest quarter or section ten in township two south, of range forty-four east, belonging to R.P Colbert, and the south half of section seven, in township two south, range forty-four east, belonging to John Barringer, shall be excepted from and not included within the reservation boundaries named.

WILLIAM MCKINLEY.

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American Indian Tribal Sovereignty Primer

American Indian Policy Center

What is Sovereignty?

Sovereignty is an internationally recognized concept. A basic tenet of sovereignty is the power of a people to govern themselves.

Tribal Sovereignty

American Indian tribal powers originate with the history of the tribes managing their own affairs. Case law has established that tribes reserve the rights they have never given away.

American Indian Tribes possess a "Nation-within-a-Nation" Status Treaties

Treaties formalized a nation-to-nation relationship between the federal government and the tribes.

Trust Responsibility

In treaties, Indian relinquished certain rights in exchange for promises from the federal government. Trust responsibility is the government's obligation to honor the trust inherent to these promises and to represent the best interests of the tribes and their members.

The U.S. Constitution

The U.S. Constitution recognizes Indian tribes as distinct governments. It authorizes Congress to regulate commerce with "foreign nations, among the several states and with the Indian Tribes." The Constitution also declares Treaty Law as the Supreme Law of the Land.

Court Precedence

Three 19th century Supreme Court opinions serve as a cornerstone to understanding the sovereign status of Indian nations. The cases are the most widely cited with respect to tribal sovereignty.

Johnson v. McIntosh concerned the validity of a tribal land grant made to private individuals:

Provided that tribes' rights to sovereignty are impaired by colonization but not disregarded.

Held that the federal government alone has the right to negotiate for American Indian land.

Cherokee Nation v. Georgia involved an action brought against the state of Georgia by the Cherokee Nation which sought relief from state jurisdiction on tribal lands:

Described Indian tribes as "domestic dependent nations".

Maintained that the federal-tribal relationship "resembles that of a ward to his guardian."

Wocester v. Georgia concerned the application of Georgia state law within the Cherokee Nation:

Held that tribes do not loose their sovereign powers by becoming subject to the power of the U.S.

Maintained that only Congress has plenary (overriding) power over Indian affairs.

Established that state laws do not apply in Indian Country.

Tribal Sovereignty as a Paradox

While the U.S. government recognizes American Indian Tribes as sovereign nations, the U.S. Congress is recognized by the courts as having the right to limit the sovereign powers of tribes. However, Congress must do so in definite terms and not by implication. What does this mean?

Tribes remain sovereign nations and possess the right of self-government.

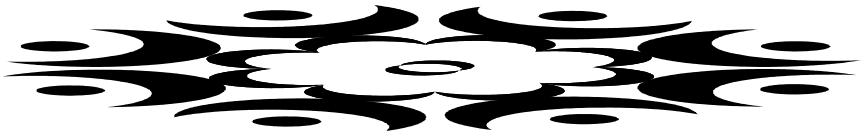
Tribes have nation-to-nation relationship with the U.S. federal government.

Only Congress has plenary power over Indian affairs.

State governance is usually not permitted within reservations.

Constitution of Montana
Article X, section 1(2)

"The state recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity."



MONTANA CODE ANNOTATED

20-1-501. Recognition of American Indian cultural heritage – legislative intent.

(1) It is the constitutionally declared policy of this state to recognize the distinct and unique cultural heritage of American Indians and to be committed in its educational goals to the preservation of their cultural heritage.

(2) It is in the intent of the legislature that in accordance with Article X, section 1(2), of the Montana constitution:

(a) every Montanan, whether Indian or non-Indian, be encouraged to learn about the distinct and unique heritage of American Indians in a culturally responsive manner; and

(b) every educational agency and all educational personnel will work cooperatively with Montana tribes or those tribes that are in close proximity, when providing instruction or when implementing an educational goal or adopting a rule related to the education of each Montana citizen, to include information specific to the cultural heritage and contemporary contributions of American Indians, with particular emphasis on Montana Indian tribal groups and governments.

(3) It is also the intent of this part, predicated on the belief that all school personnel should have an understanding and awareness of Indian tribes to help them relate effectively with Indian students and parents, that educational personnel provide means by which school personnel will gain an understanding of and appreciation for the American Indian people.

History: En. Sec. 1, Ch. 527, L. 1999.

NORTHERN CHEYENNE TRIBAL COUNCIL
NORTHERN CHEYENNE RESERVATION
LAME DEER, MONTANA

RESOLUTION NO. 161(97)

A RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL RECOGNIZING THE ESTABLISHMENT OF AN ADVISORY COMMITTEE ENTITLED "NORTHERN CHEYENNE LANGUAGE DEVELOPMENT AND RESEARCH COMMITTEE" AND FURTHER AUTHORIZING THE COMMITTEE TO OPERATE IN EFFORTS OF ESTABLISHING A STUDY CENTER AND LONG TERM FUNDING.

WHEREAS, the Tribal Council adopted Ordinance No. 10(97) on April 21, 1997, which established the Northern Cheyenne language as the official language of the Northern Cheyenne Reservation; and

WHEREAS, the Northern Cheyenne language is disappearing from our culture and is being lost even though the schools and other formal educational programs have made attempts to preserve the language in recent years; and

WHEREAS, much of the effort by those concerned have generally failed to produce the results of curbing the accelerated loss of the language and efforts to preserve the Northern Cheyenne language will take the efforts of all our communities and all interested persons; and

WHEREAS, there needs to be developed research and studied methods, available to our communities, with input and results to be shared by all the people; and

WHEREAS, the Committee is composed of community members from all the districts, with temporary officers identified as Interim President, Dr. Richard Littlebear; Interim Vice President, Raymond Littlebear; and, Dr. Franklin Rowland, Secretary/Treasurer.

THEREFORE BE IT RESOLVE that the Tribal Council, in recognizing the establishment of the Northern Cheyenne Language Development and Research Committee, does hereby authorize this committee to operate in developmental efforts of establishing a permanent study center and a source of permanent funding.

PASSED, ADOPTED AND APPROVED by the Northern Cheyenne Tribal council by 9 votes for passage and adoption and 0 votes against passage and adoption this 30lh of June 1997.

(Signature)
William Walks Along, President
Northern Cheyenne Tribal Council

ATTEST:
(Signature)
Sharlene Evans. Secretary
Northern Cheyenne Tribal Council

HISTORY AND PRESENT SITUATION OF THE NORTHERN CHEYENNE PEOPLE

BUSBY SCHOOLS BILINGUAL PROJECT

Early Days

The Cheyennes are one of the westernmost tribes of the great Algonquian family. Once a horticultural people located north of the Great Lakes, the Tribe moved westward under varying pressures from the east, and finally adapted to a nomadic life on the Great Plains. Always small in number among other large and aggressive tribes, the Cheyennes led a perilous life demanding strict discipline. Their political and military structures were highly organized in accordance with many laws represented by the Four Sacred Arrows brought from Bear Butte in the Black Hills country in what is now South Dakota by the prophet, Sweet Medicine (Mutsoyef).

The tribe governed itself through the Council of Forty Four, made up of members of the Chiefs' Society and the important Warrior Societies, of which the Kit Fox, the Elks, and the Dog Soldiers are still active today. While Bravery was respected, members were selected for the Council of Forty Four based upon the wisdom and personal generosity they displayed. The Sun Dance was (and still is) an annual religious self-purification ceremony. Also holy to the Cheyennes is the sacred Medicine Hat Bundle, which is related to the buffalo and came from the Suhtai, who merged with the Cheyennes long ago. The Keeper of the Hat Bundle was selected for his spirituality, and was (and still is) responsible for keeping the Tribe clean and away from harm.

By 1830, before the whites completed their conquest of the Great Plains, the Cheyennes split into two groups. The southern group ranged along the Arkansas and Canadian Rivers in Colorado, western Kansas and western Oklahoma. The northern group remained on the western edge of the Northern Great Plains, in the hilly regions of northern Wyoming and southeastern Montana. The split occurred because east-west travel of whites had split the buffalo herd, not because of a real break between the two groups. The Cheyennes still consider themselves to be one people, sharing history, tradition, language and religious beliefs, and there is much intermarriage and traveling back and forth between the Northern and Southern Cheyennes today.

The area occupied by the Northern Cheyennes is a rugged country laced by rivers from the Northern Rockies and was, at that time, filled with grass and game and everything they needed to live. Furthermore, the centers of population from which the whites were pouring across the land were far to the east, the west, and the south, on the other side of seemingly interminable plains and impassable mountains. The early Cheyennes were one of the great

nomadic hunting tribes of the plains, ranging over many tens of millions of acres. Rivalries developed with the Crows and Shoshones, and alliances grew with the Arapahoe, Apaches and most importantly the Sioux tribes. With the westward movement of the whites came guns, alcohol, alien diseases (with smallpox and cholera proving most destructive), treaties, breaches of treaties, and hostilities.

The Fort Laramie Treaty of 1851 considered the Cheyennes as one group, and together they were given territory in Colorado. 1864 was the year of the massacre at Sand Creek in Colorado. A band of Southern Cheyennes with Chief Black Kettle, including women and children, who had camped near Fort Lyon to signify peaceful intentions and at the same time secure a measure of protection, were attacked by a U.S. Army unit led by one Col. J.M. Chivington. Almost all of the Indians were killed.

The second Fort Laramie Treaty, of 1868 (Appendix Item 3), was an attempt to bring peace after the hostilities that followed Sand Creek. In this treaty, the Northern Cheyennes were recognized as a distinct group and arrangements were made for them to share lands with the Brule Sioux in South Dakota, including the Black Hills, spiritual home of the Cheyennes.

In 1874, following discovery of gold by non-Indian trespassers, General Custer was assigned to protect the prospectors in the Black Hills. Then followed a period of mortal combat between the Northern Cheyennes, with various Sioux allies, and the United States Army. These culminated in June, 1876 in the strategically important defeat of General Crook on the Rosebud near present-day Kirby, Montana, and the annihilation of General Custer and the Seventh Cavalry on the Little Big Horn, 13 miles south of present-day Hardin, Montana.

Eventually, however, all of the "hostiles" were captured. The band of the great Northern Cheyenne Chief Dull Knife (whose Cheyenne name means Morning Star) was one of the last groups to surrender to General Mackenzie in 1877. When some of the Cheyennes surrendered they went to Fort Keogh (present-day Miles City, Montana), but Dull Knife and Little Wolf went voluntarily to Fort Robinson in Nebraska in hopes that they would be allowed to remain with their friends and relatives, the Oglala Sioux. In spite of Dull Knife's voluntary surrender, his counsel of accommodation to the whites' presence, and even his recommendations of white education for the band's younger members, the authorities were not about to let famous leaders of two of the fiercest and implacable of Indian nations remain together. They went even further. Dull Knife's band had been one of the last groups to surrender to General Mackenzie in 1877. Dull Knife's group had not even been present at Little Big Horn when Custer fell; but as punishment for the Northern Cheyennes' participation in Custer's defeat, they were deprived of their homes and their lands in the north, and moved to "Indian Territory" with the Southern Cheyennes and Arapahoe in what is now western Oklahoma.

When Dull Knife and his band were removed from their treaty lands in the north, they were the last group of Indians to be brought south to Indian Territory. Once there, they were the last group to receive the insufficient rations doled out by the government, and there was no

game to supplement it with. They were unaccustomed to the heat, the dust, and the heavy close air and many died from malaria and the effects of malnutrition. After their clean air and game-rich, green hills of the north, Oklahoma in 1877 may have seemed like the devil's own country. They tried to survive there for an impossible year; and then the disaster this unworkable solution represented for the Tribe, their acceptance of the decision that they must either make their way back to their homeland or die in the attempt, the suffering and deaths their people experienced in carrying out this decision, and the final recognition of the right of the survivors to a tiny isolated fraction of what had once been a vast and free territory. All of this lives in the minds of the Northern Cheyenne people.

2.2 The Assimilation/Self-Determination Pendulum

Beginning as early as the 1868 Fort Laramie Treaty (seeds and a plow, two well-broken oxen and one good American cow), the prevailing assumption on the part of the federal government seems to have been that the "Indian problem" would go away if they could get the Indian to become a small farmer, like the white man. In 1924, the Northern Cheyennes were made citizens of the United States.

To instill a since of private property (and, some would say, to make it easier for the dominant society eventually to get at the Indians' lands), the U.S. Congress passed the Northern Cheyenne Allotment Act, in 1926. This Act resulted in the creation of a Tribal roll, from which all enrolled individuals became eligible to receive 160-acre allotments of lands classified as suitable for agriculture and grazing. These allotments were to remain in trust status, meaning that they could not be sold, pledged as security for a loan, or taxed, until 1951 (a period of 25 years), or until the death of the original allottee.

The 1926 Act also provided that rights to all timber, coal, oil, gas and other natural deposits were to be reserved for the benefit of the Tribe until 1976 (a period of 50 years); that un-allotted lands were to be held in common by the Tribe; that 80 acres were to be surveyed, plat-mapped, appraised and auctioned off as the town site of Lame Deer, and that a second town site (unnamed but presumably Busby) of 40 acres in a suitable location was to be similarly disposed of.

Between 1928 and 1930, a little over half of the roughly 447,000 acres on the Reservation were allotted to enrolled members of the Northern Cheyenne Tribe. And, over the past 50 years, a number of enrolled Tribal members have become cattlemen.

In 1934, with the passage of the Wheeler-Howard (Indian Reorganization) Act, federal policy shifted toward a measure of Tribal self-determination by requiring that those tribes subject to the Act (so-called IRA tribes, including the Northern Cheyennes) institute a democratically-elected, Tribal Council and chairman form of government. This was adopted by the Tribe in 1936 and continues to the present. One of the results (some would say objectives) of this shift was some erosion of the position, visibility and influence of the Northern Cheyennes' traditional form of government embodied in the Chiefs' and Warriors' Societies. On many

Reservations today, traditional forms of government have faded into fond memories. On Northern Cheyenne, however, while the traditional Societies have gone through periods of waxing and waning, today they are probably just as active, and a source of as much pride and back-to-the-roots-of-who-we-really-are feeling, as at anytime in present memory.

In the 1950's, coincident with the expiration of the 25-year moratorium on removal of allotted lands from trust status, federal policy reverted to assimilation and much of the land was sold, or leased for grazing, to non-Indians, all with the approval, and often encouragement, of the BIA.

By the early 1960's, however, during John Woodenlegs' regime as Tribal Chairman, the essential wrong-headedness of selling off the Tribe's assets had become sufficiently clear that the Tribe embarked on a program to repurchase as much as possible of the land within the Reservation's boundaries that had left Northern Cheyenne ownership. At that, the Northern Cheyennes had seen the handwriting on the wall and taken action earlier then most other Tribes of comparable land base. The Tribal land repurchase program has been pursued relentlessly and, at present, land under Tribal ownership is back up to about 61% of the 447,000 acre total. Individual allottees own about 37% and fee patent land, most owned by non-Indians, now represents only 10-11,000 acres, or about 2% of the Reservations' surface area.

The 80-acre Lame Deer town site (seat of the Tribal government, largest town and commercial center of the Reservation) is another matter, however, with non-Indians having acquired a great deal of the presently or potentially valuable commercial property. The CDC hopes, over time, to be able to do something about this situation.

Another highly favorable development during the 1960's, and continuing until the present, has been the success of the Northern Cheyenne Livestock Association, all of whose members are enrolled Tribal members, in reacquiring the grazing rights to <u>all</u> of the Reservation surface area (88% of the total 447,000 acres) that is included within range units. Reservation range can support upwards of 12,000 head of cattle, and it is of critical importance to the future of the Tribe that these cattle be Northern Cheyenne-owned.

The Tribe can be proud of these statistics. No other tribe with a Reservation this size or larger can match them. On the much larger Crow Reservation, for example, non-Indians own or lease over 50% of the surface area.

It should be mentioned, at least in passing, that in 1964 the Cheyennes, the Sioux, and the Arapahoe received a lands claim settlement for 50 million acres of the vast territory originally assured them under the Fort Laramie Treaty. The Indians were given fifty cents an acre for the fifty million acres included in the settlement, less monies subtracted by the government for flour, sugar, and other supplies that the army had given those Indians that had surrendered, and less a further 10% for lawyers' fees. The remainder of the settlement

funds was divided up between the three tribes, whose subsequent access to the money is closely supervised by the BIA. No settlement was received for other lands included in the original treaty, including lands currently contained in the Custer National Forest just east of the Northern Cheyenne Reservation, and lands around the Cheyennes' traditional home and pilgrimage center, Bear Butte in the Black Hills. The Northern Cheyennes legally still have claim to these lands.

For a variety of reasons, however, the details of which will be explored subsequently, ownership and control of assets has not succeeded in generating income sufficient for the needs of either the people or the Tribal government. Per capita income among Northern Cheyennes is still less than half of per capita income for the State of Montana, and Montana per capita income is below the national average. As for the Tribe, on-going heavy costs of land repurchases and litigation on many fronts have led to a major ongoing cash flow problem. Both as individuals and as a Tribe, the Northern Cheyennes know the bite of poverty, of trying to do too much with too little, of inadequate food, clothing and medical care.

Enter King Coal. The massive Fort Union formation contains an estimated 40% of the nations' coal reserves, and the Northern Cheyenne Reservation, for which so many Northern Cheyenne people less then 100 years ago gave their lives, lies in the middle of it. The BIA estimated in 1975 that perhaps 23 billion tons of low sulfur coal underlie the Reservation and that between 5 and 6 billion tons are strippable.

Numbers like these are hard to comprehend. Small wonder that, from 1966 to 1971, acting with the advice and under the trust responsibility of the BIA, in response to a hard sell from a number of the largest energy companies, and without understanding what their coal resources were or what their development would mean, the Northern Cheyenne Tribe signed leases with six coal companies and speculators that, even at an unconscionably low 17 ½ ¢ ton, would give the Tribe operating revenue in excess of anything it had ever experienced, would have paid for a new $1 million health facility, and would have provided large per capita payments to every man, woman and child on the Reservation. The companies had done their homework. They knew that the Tribe had wanted an improved health facility for a long time. But these same leases also made fully 56% of the Reservation vulnerable to the environmental trauma of major strip mining, and left the Tribe exposed to the social devastation that would, without question, accompany sudden massive development in its midst.

By 1973 the Tribe had come to realize that its coal resources were both larger and worth more per ton than it had been led to believe, and also had come to realize the extreme social and environmental consequences of the leases. They discovered, in addition, that the leases were grossly illegal on many counts, that they had in effect been duped, and that therefore the BIA had been negligent in its trust responsibilities, if it had not in fact acted directly contrary to them. They petitioned the Secretary of the Interior, then Rogers C.B. Morton,

to have the leases cancelled. In June, 1974, faced with probable suits by the coal companies if he granted the Tribe's petition, Morton ruled (full text in Appendix Item 4) that the terms and conditions under which mineral development might proceed on the Northern Cheyenne Reservation would require the "joint agreement and support" of the Tribe and coal companies.

Allen Rowland, Tribal President since 1968, as well as the Tribal Council, have been absolutely clear and consistent in stating (a) that they consider the existing permits and leases invalid and of no force and effect, (b) that this is no simple matter of bargaining over price, (c) that no amount of money can compensate for the destruction of the Northern Cheyenne homeland, culture or way of life, and (d) that they will not discuss the matter with any of the existing lease or permit holders unless they tear up the documents, admit they have no pre-existing rights, and start again from ground zero. To date, none of the companies has been willing to accept this position, so the net effect has been a stalemate. In view of the alternatives, most Northern Cheyennes support their government's position.

The lease/permit holders are now down to four, as follows:

(1) Peabody Coal Company, largest coal producer in the country, subsidiary of either Kennecott Copper Company or Peabody Holding Company (a joint venture of Newmont Mining, Williams Company, Bechtel Corporation, Fluor Corporation and The Equitable Life Assurance Society), depending on FTC approval of Kennecott's plan to sell Peabody Coal to Peabody Holding and upon the results of a class action shareholder suit on the part of Kennecott shareholders contending that the proposed sale constitutes in effect a sale of sub-stantially all of Kennecott's assets;

(2) Consolidation Coal Company, second largest coal producer in the country, subsidiary of Continental Oil Company (CONOCO);

(3) Chevron Oil Company, subsidiary of Standard Oil of California; and

(4) AMAX, Inc., formerly American Metals Climax, Inc., 20% owned by Chevron, current operator of the North and South Belle Ayr Mines at Gillette, Wyoming, which together are targeted at production of 35 million tons per year (TPY) by 1985.

2.3 Current Events; Return of the Fighting Cheyenne

In May of 1976, 49 years and 11 months after the passage of the Northern Cheyenne Allotment Act, and 99 years and 11 months after the Sioux and Cheyenne victory over Custer, the Northern Cheyenne Tribe won a unanimous decision in the U.S. Supreme Court (N.C. Tribe vs. Hollowbreast, et al.) allowing the Tribe to retain permanent control of all mineral rights on the Reservation. This decision ended the divide-and-conquer tactics of certain groups that throughout 1975 had persuaded a number of allottees, many of them older people, to sign away power of attorney over the mineral rights they would receive if the Supreme Court Decision were to go in their favor.

In another major and almost simultaneous development, after a year and a half of hearings the Montana Board of Natural Resources do not have the right to foul the Reservation or devastate its way of life with their chemical or human effluent.

Meanwhile, following notice from the Bureau of Land Management that after a three-year moratorium they would accept from private industry and groups "nominations" of Federally-owned land for purposes of potential coal leasing, BLM announced that it would accept "disnominations" as well. BLM land checkerboards areas north, east and south of the Reservation, and coal also underlies a considerable portion of the Custer National Forest east of the Reservation. The Tribal Council resolved to disnominate all Federally-owned lands within a 50-mile radius of the Reservation, but then decided at the last minute not to submit these disnominations to BLM. BLM since has published the names of all firms who nominated lands for coal leasing in southeastern Montana (literally dozens of the majors are there) but has refused on unfair-competitive-advantage grounds to say who has nominated which parcels of land.

Lease rights on all parcels so nominated will, presumably, be put up for auction sometime in 1977.

Meanwhile, the Burlington Northern Railroad (the only meaningful non-truck transportation system in the Northern Great Plains and the largest coal land owner in the country) announced that it was beginning a feasibility study for construction of a heavy rail line from Colstrip southeast to Ashland, on the Reservation border, and then south to Birney, a total of 45-50 miles, at a projected cost of $20-25 million. Plans for massive mining operations east of the Reservation clearly were about to be announced. Then, on November 1st, a state senator told a Forsyth meeting of Tongue River-Yellowstone Action Council that by 1980 the state would have $18 million in funds derived from the Montana's 30% coal severance tax, which would be enough to reconstruct the Colstrip Highway from its intersection with Interstate 94, north of Colstrip, all the way south through Colstrip to Lame Deer. But what they were "really shooting for," the senator told them, was a "network of roads in Montana's coal producing area extending from Hardin to Broadus (east and west) by a 4-3 vote gave conditional approval for the Montana Power Company to expand coal-fired power generating facilities at Colstrip, 12 miles north of the Reservation, from two units (total 789 megawatts) to four units (total 2,100 megawatts). At least 93% of the power generated in this gigantic operation is to be sent over high voltage transmission lines to the West Coast.

The Tribe has opposed this expansion at Colstrip for many reasons, one of the most important of which is the high susceptibility of Ponderosa Pine (the principal commercial species here) to damage from the increased airborne sulfur dioxide levels which would accompany the expansion. As a consequence of the threat posed by the potential trebling of coal-burning at Colstrip, the Tribal Council and President resolved to become the first local government (or Tribe) anywhere in the nation to take advantage of this authority under the Clean Air Act of 1970 to petition EPA for a redesignation of the air quality status of the Reservation from Class II, the "middle" status which EPA has initially applied to the entire country, to Class I, under which "any significant deterioration" in air quality would be prohibited.

The Tribe, through its HEW-, EPA- and Old West Regional Commission-funded Northern Cheyenne Research Project, has now filed its reports and held its required public hearings. EPA is scheduled to make its ruling, which will grant or deny the Tribe's petition for Class I air status, in June, 1977. Against the possibility that EPA will grant the Northern Cheyennes Class I air, Montana Power has sued EPA over EPA's right to apply the Clean Air Act Amendment to Colstrip 3 and 4, arguing grandfather status, and has just won the first round in Federal District Court in Billings.

The matter undoubtedly will be appealed. At stake for Montana Power, apparently, is $11 million worth of pollution control equipment. At stake for the Northern Cheyennes is not just containing the crud from Colstrip, 12 miles upwind, important as that is for plant, animal and human life here, but, even more basically, establishing that the major energy companies who plan conversion or power generation facilities, near the Reservation and from Birney to Forsyth (south and north of the Reservation). The deciding factor, according to the senator, would be the availability of federal matching funds.

Two days later, a public meeting was hosted in Ashland by the Rosebud County Planning Board. The principal speakers were officials from Montco, a joint venture between Wesco Resources (a three-man Billings firm of coal land speculators) and Peabody Coal Company. Montco's plans are well summarized in a letter from a planning consultant (VTN) that Montco had submitted two weeks earlier to the Montana Coal Board, under the heading THE NEED FOR PLANNING:

> Burlington Northern, Inc., is selecting a consultant to conduct a feasibility study for a new rail line between Cow Creek and the Peabody-Wesco Mine sites. This route will cross the Ashland-Birney area. If current forecasts are correct, this line will be operational by perhaps 1980-81 in order to meet the coal transport needs of the Nance #1 mine, scheduled to begin production in 1981-82. The Nance #1, located about 15 miles southwest of Ashland and 10 miles northeast of Birney, will begin operations with a capacity of 3-5 million TPY, increasing production by 1 million tons every 2 years until it reaches full design capacity of 12-15 million TPY around the year 2000.
>
> The proposed rail line and Nance #1 mine alone will have major social, economic and cultural impacts on the area. However, these projects are only two of the developments which can reasonably be expected in the near future. Two additional surface coal mines of approximately the same initial capacity will probably be developed within a 10-mile radius of Ashland within the same timeframe once rail transportation facilities become available.
>
> Without prior plans to accommodate the social, economic and cultural effects of the projects, this cumulative development is expected to produce major socioeconomic impacts on Ashland, Birney, and the surrounding area, including the Northern Cheyenne Indian Reservation.

Including the rail line and mineral and surface acquisition costs, the estimated total cost through 1982 of the Nance #1 strip mine, located right across the Tongue River from the Reservation is $65 million, with outside limits of $57 million and $80 million. The unashamed purpose of the presentations to the Montana Coal Board and to the Rosebud County Planning Board and the people of Ashland (Northern Cheyennes and white ranchers, in, for once, alliance), was to try to secure a grant from the Coal Board, out of tax revenues on previously strip-mined coal (which are supposed to pay for schools, roads, sewer systems and other infrastructure needs of communities impacted by coal development, ironically denied so far to Indian Reservations, who apparently are supposed to ask the BIA), to pay for the costs of the socioeconomic studies and planning which the promoter/developer was going to be obligated to undertake. In all charity, the Coal Board did subsequently turn them down.

Montco projected Nance #1's design capacity at 12-15 million TPY, and said two others of similar capacity would follow, within a 10-mile radius of Ashland. To put those figures in some kind of perspective, the largest strip mine in North America last year was the West Decker mine, in Decker, Montana, on the Wyoming border, 35 miles southeast of the Northern Cheyenne Reservation, at 9 million TPY. The West Decker mine is operated by the Decker Coal Company, a joint venture between wholly-owned subsidiaries of Peter Kiewit Sons, Inc., the construction firm in Omaha, Nebraska, and Pacific Power & Light Company, Inc., of Portland, Oregon. Not to be outdone, on the day after Montco's Ashland meeting, Decker Coal announced that it would open two new strip mines, one on each side of the Tongue River Reservoir between the Northern Cheyenne Reservation and Decker, designed to remove an estimated 180 million tons of coal over the next 20 years for shipment to Illinois, Michigan and Texas. The Decker mines are upstream from the Reservation, on the Tongue.

It had been quite a week. The country got a new President, one who promised to work for the common man. The Northern Cheyennes, holding onto their traditions and their 447,000 acres for dear life, got promises of five new strip mines within 35 miles of the Reservation borders, each one potentially bigger than any mine seen before in North America, a $25 million rail line, and a network of new highways that apparently would criss-cross the Reservation.

A little less than two months earlier, on September 7, 1976, the Northern Cheyenne people had elected a new 14-man Tribal Council and President. Seven new councilmen were elected and seven incumbents were re-elected, all to 2 year terms. Incumbent Allen Howland was re-elected to his third 4-year term as President with 2 ½ times the vote of his nearest competitor in a six person race. The net result of the election had been an inspiring vote of confidence in the person and policies of the Tribal President, and no major change of direction in the Council.

In addition to figuring out what to do in the face of the incredible pressures discussed above, the newly seated Council and President (and all other concerned groups and people on the Reservation) are faced with many other major issues at the beginning of 1977.

Probably most important, as pointed out particularly by K. Ross Toole in his Rape of the Great Plains (Atlantic-Little, Brown, 1976), is water. In the semi-arid Northern Great Plains, surface water is scarce, and what is there is subject to wide variation in availability. Ground water can be used to supplement surface water, if present and with sufficient pressure and if one can afford the expense of opening it up, but ground water and whole ecosystems dependent on it are inherently fragile and easily disrupted. The massive development planned for the next 20 years clearly threaten both hydrologic systems, as well as the ecosystems that depend on them.

Two years ago the Tribe instituted litigation to determine Northern Cheyenne rights to the Tongue River and Rosebud Creek, the only significant sources of surface water available to the Reservation. In a state court proceeding in 1914, the Tongue River was adjudicated, placing the Tribe twenty-first in order of priority and limiting use to 30 cubic feet per second (cfs), an unacceptably minimal amount considering the size of the reservation. The Tribe has filed federal court action in hopes of circumventing state court jurisdiction in this matter. The vital importance of this issue is highlighted by a 1975 Water Resources Situation Report by the Montana Department of Natural Resources and Conservation, which projected that future needs in the next 25 years could be as much as 12.3 million acre-feet per year, while the total average flow of the Yellowstone River and its tributaries, including both Tongue and Rosebud, amounts to only 8.8 million acre-feet per year

The Tribe's attempt to persuade the federal government to assert jurisdiction in the case is based on the existence in federal law of the so-called Winters Doctrine, which states in effect that reservation-based Tribes are entitled to whatever surface water they need from sources arising in, flowing through, or forming a boundary of their Reservation. Even if the Northern Cheyenne Tribe is successful in this effort, however, the experience of other tribes under Winters indicates that, no matter what the law says, the rule that applies is "use it or loose it". There is, therefore, strong pressure on the Tribe to develop socially and environmentally sound projects that are large users of water from the Tongue and Rosebud.

The other critical area of concern is that of Tribal finances, alluded to earlier. After having been encouraged by the Department of Interior to settle the issue of Reservation mineral rights in the courts (Hollowbreast), and being promised by Secretary Morton that interior would pay the legal fees, the Tribe has not received a penny of reimbursement to date. Montana's Senator Metcalf has just introduced a bill in the U.S. Senate directing Interior to pay the bills. If successful, the Tribe could collect (someday) $130-150,000 as reimbursable costs in the case.

The Tribe's budget for FY77 (10/76-9/77) is approximately $600,000. As sources of the needed funds, the Tribe had budgeted fully two thirds of this amount from grazing fees ($275,000) from the Northern Cheyenne Livestock Association and timber ($125,000) as stumpage from sawlog sales mostly to the operator of the sawmill on the edge of the Reservation in Ashland.

As matters stand now, very little of the timber income will materialize in 1977, and the grazing fee income is in jeopardy. The bankrupt (and ill-designed) sawmill was almost sold twice in 1976 by its owner, Eastmont Forest Products Company, first to the Wickes Corporation, the largest lumber retailer in the country, and then to the Louisiana-Pacific corporation. Both sales fell through at the last minute, for a variety of reasons. A new firm, Arness-Anderson of Arcata, California, has entered the picture, but even if a deal is successfully negotiated there will not be much in the way of 1977 income. The Black sawmill in Lame Deer, while a healthy operation, is much smaller and cannot take up much of the slack in the short run.

As for grazing fees, the primarily cow/calf operators on the Reservation, virtually all Tribal members, have suffered over three years of losses due to a prolonged and critical slump in cattle prices. Without the know-how or capital to diversify into other phases of the cattle marketing chain (feeders have been hurt, too, but packers, distributors and retailers have been doing well), many of the cow/calf operators have watched their equity disappear over the last three years. At least four have been sold out by their creditors, and all now are threatened.

Thus, the Tribe is faced with the obscene possibility that it will have to abandon everything it has stood for, and either open up Tribal lands again for lease to non-Indian cattle operations (read larger, better-capitalized, vertically-integrated producers), or sit down to negotiate from a position of financial weakness with the holders of coal permits or leases that are illegal on their faces and to which the holders have no present moral right, the BIA having been derelict in its trust responsibilities by having advised the Tribe to approve their issuance in the first place.

The Tribe and the Livestock Association now are jointly seeking emergency funds from a variety of sources, to enable the Cheyenne operators to hang on (it is by now clear that the calf/heifer/steer market is turning the corner) and the Tribe to receive its grazing fees. At this writing, however, prospects are dim.

In the face of these financial difficulties, the Tribal government <u>must</u> seek to continue to expand its jurisdiction—as the local government—over more and more of the functions and services heretofore (and in some cases only theoretically) performed by School District, County, State, BIA, Indian Health Service (HIS), and so on. Many of these will be a cash drain on the Tribe, and other sources of funds will have to be found before they can be

implemented. Some of the previously federal functions, fortunately, can be contracted from the provider agencies. A possible future source of funds is the Montana Coal Board, whose source of funds, purpose and unavailability was mentioned earlier. A bill has just been introduced in the state senate specifically adding Tribal governments to the list of categories of local government units entitled to receive Coal Board coal impacts funds. There is no telling which way this bill will go, primarily because of the increasingly vocal efforts of a strident white backlash group opposing the extension of Tribal jurisdiction over non-Indians living on reservations and "handouts to Indians" in general. (Ironically calling themselves Montanans Opposed to Discrimination, they have become known, unavoidably, as the MOD Squad.)
Can the CDC somehow help the Tribe to weather the immediate financial storm, all the cow/calf operators in business and somehow generating $400,000 of revenue for the Tribal Government in 1977?

Probably not. About the only possibility would be for the CDC immediately to enter into a joint venture with the Tribe to mine and sell coal on a medium to large scale basis (half a million tons per year or more). This (a) would be absolutely opposed by most of the Northern Cheyenne people, (b) might mean taking on the State of Montana over the State's right to collect its 30% severance tax on Reservation coal, (c) might provide existing coal lease and permit holders grounds to appeal the Morton decision, and (d) would put the joint venture in the position of trying to compete with the giants both in the marketplace and for transportation.

The environmental, economic, social and political disadvantages of even attempting such an operation clearly are unacceptable. No matter what happens, the Northern Cheyenne people and the Northern Cheyenne Tribe will find a way to survive. They have in the past 100 years, been through worse crises than these. There is an indomitable strength and resiliency here that will, in the end, overcome what at the present seem terrible odds. The Northern Cheyenne cattle industry will survive, too, and in fact may be stronger for the last three years' experience. About the only absolute is that the Tribe will never compromise the integrity and control of its land base and way of life - - this is home, and even if the people would give it up, which they won't, there is nowhere else to go, and no other way to live and still be Northern Cheyenne.

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