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RESERVOIR AND RESERVATION:
THE OAHÉ DAM AND THE CHEYENNE RIVER SIOUX

A Thesis
Presented to the
Department of History
and the
Faculty of the Graduate College
University of Nebraska at Omaha

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts

by
Michael Lee Lawson

July 1973

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THESIS ACCEPTANCE

Accepted for the faculty of The Graduate College of the University of Nebraska at Omaha, in partial fulfillment of the requirements for the degree Master of Arts.

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May 28, 1973
Date

PREFACE

In order to control floods and provide irrigation, hydroelectric power, and other benefits, the federal government has in recent years built a large number of dams on the nation's major rivers. Because of the destruction of scenic values and natural resources caused by the construction of these dam projects and the necessary displacement of those people unfortunate enough to live within the reservoir areas, the necessity of these dams has often been questioned. With a view only toward the larger features and results of dam construction, those people who have supported these massive projects have often failed to realize that they involve many small matters of both economic and human relations, since the taking of property may present the people directly involved with a crucial life issue. Precisely in regard to these kinds of relationships, the federal government and particularly the Corps of Engineers has demonstrated a great lack of sensitivity.

Because they have traditionally lived in the river valleys and perhaps because they have very little political significance, Native Americans seem to have suffered to a greater extent from both dislocation and human insensitivity in regard to these dam projects. In Pennsylvania, for example, the federal government violated America's oldest treaty in order to obtain 9,000 acres of Seneca land for the Kinzua Dam on the Upper Allegheny. Other tribes have been adversely affected by dam projects in the Columbia and Colorado River Basins and in California. In the Missouri River Basin, the Pick-Sloan Plan, the joint water development program of

the Corps of Engineers and the Bureau of Reclamation, has caused damage to virtually every tribe with lands along the Missouri and its tributaries. One of the projects constructed under Pick-Sloan, the Oahe Dam, required the flooding of nearly 160,000 acres of Indian land on the Standing Rock and Cheyenne River Reservations in North and South Dakota.

The Cheyenne River Sioux Indian Reservation provides material for an especially valuable case study. In the first place, these Indian people were forced to give up their best land and natural resources, evacuate their homes and ranches in the wooded bottomlands, and move to an empty prairie. Hence the disruption of their entire way of life was relatively more severe than is usually the case with other people displaced by public works projects. In addition, since the Oahe Dam was one of the first Pick-Sloan projects on the Missouri, sufficient time has elapsed since the Cheyenne River Sioux were displaced to permit an evaluation of the consequences.

As this study will reveal, the damages the Cheyenne River Sioux suffered as a result of the Oahe project far outweigh the benefits provided to them by the Pick-Sloan Plan (i.e., flood control, irrigation, hydroelectric power, etc.). In developing this theme, the following chapters offer a brief historical background of both the Pick-Sloan Plan and the Cheyenne River Sioux, followed by a detailed summary of the events that occurred on Cheyenne River before, during, and after the years in which the impact of the Oahe project was being most intensely felt by the Indian people. In addition, an effort has been made to provide at least a tentative evaluation of these events, not only in both individual and cultural terms but also in terms of the interaction between the Indians,

the Corps of Engineers, the Bureau of Indian Affairs, Congress, neighboring white communities, and others who took part in this episode.

The bulk of the information in this study has been obtained from government documents and other primary sources. In addition to these written materials, the research has been supplemented by a series of personal interviews conducted during a field trip in the summer of 1972 in which my wife and I actually camped on both the Cheyenne River and Standing Rock Reservations. I am greatly indebted to my wife Marcia for her perseverance during this field trip and for her patience and support during some of the more hectic moments of preparing this manuscript. I would also like to thank Dr. William C. Pratt and Dr. Harl A. Dalstrom of the Department of History for their generous advice, guidance, and encouragement. In addition to those people interviewed by me and mentioned in the text, I would also like to gratefully acknowledge the assistance and cooperation of Dudley Rehder and Richard Mc Williams of the Corps of Engineers; Kenneth Krabbenhoft, John Erhardt, and Dr. Wilfred Logan of the National Park Service; Dr. Donald Lehmer of Dana College; Clyde Dollar of the W. H. Over Museum, University of South Dakota; Janice Fleming and Kenneth Stewart of the South Dakota State Historical Society; Liess Vantine of the North Dakota State Historical Society; Karen Ducheneaux of Cheyenne River Reservation; Floyd Ryan of Standing Rock Reservation; Elizabeth Laird of the Gene Eppley Library, University of Nebraska at Omaha; and the Aberdeen and Billings Area Offices of the Bureau of Indian Affairs.

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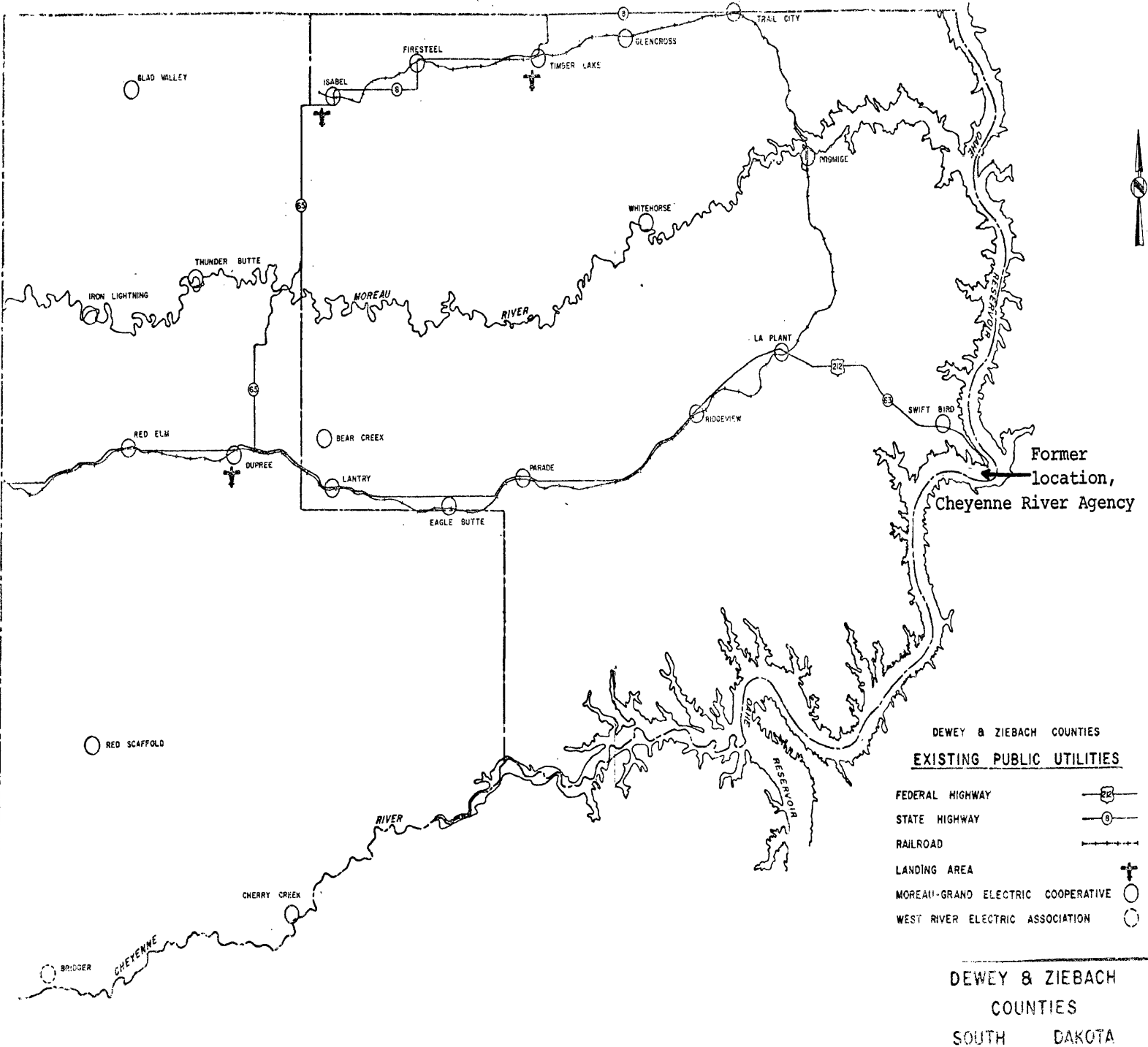
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EXISTING PUBLIC UTILITIES, CHEYENNE RIVER
INDIAN RESERVATION, SOUTH DAKOTA



Source: Cheyenne River Redevelopment Committee, Overall Economic Development Plan for Cheyenne River Redevelopment Area (Eagle Butte: 1969), p. 51.

CHAPTER I

BIG PLANS FOR THE "BIG MUDDY"

Man has only attempted to tame the Missouri River within the last twenty years. For the greater part of their history together, the nature of man's relationship with the "Big Muddy"¹ had been that of a long, discouraging, and apparently unending battle in which man was unable to prevent catastrophe. While the river made possible many of man's finest cultural and technological developments in the Great Plains, it at the same time provided a constant challenge to the very lives of those men who tried to exploit its vast resources. The Missouri seemed either to give them too much water, as evidenced by the dozen or more disasterous floods in the century between 1844 and 1944, or too little water, as was the case during the Great Drought of the Thirties. During the first half of this century, the river's rampaging yellow waters regularly flooded millions of acres of fertile land, damaged billions of dollars worth of property, and claimed over 800 lives. On the other hand, for lack of rain and irrigation the region's topsoil became so dry during the desperate

¹The word Missouri is derived from an Algonquian term in the Illinois dialect meaning "great muddy" or "big muddy." The term was used to describe the river. It was also applied to a Chi sub-tribe of the Siouan linguistic group that settled in the lower valley of the Missouri River. For more information see U.S., Smithsonian Institution, Bureau of American Ethnology, Handbook of American Indians North of Mexico, ed. by Frederick Webb Hodge, Bulletin 30, Part I (Washington: Government Printing Office, 1912), pp. 911-12. (Hereinafter referred to as Hodge, Handbook of American Indians.)

Thirties that particles of it were picked up by the wind and scattered as far eastward as Washington, D.C. During this Dust Bowl period over 300,000 farmers left the Missouri Valley and the federal government had to pour in millions of dollars in relief funds to aid those who stayed. Each time that the river triumphed in its struggle with man it brought on another almost equally difficult battle in Washington. This struggle was one between men who could not agree on a single plan for bringing the river under control. While both crisis and controversy continued, it became apparent to the farmers of the Missouri Valley that their economic future in this agriculturally rich region depended on the federal government's ability to control the floods, erosions, and droughts that constantly plagued them.²

Curiously enough, it was during the economically disasterous and drought-ridden decade of the 1930's that the first large-scale federal measures for controlling the Missouri were introduced. In 1933, President Franklin D. Roosevelt authorized the construction of what was to be the largest earth dam in the world at a site on the Missouri near Fort Peck, Montana.³ This dam was to be a joint project of the Army Corps of Engineers, the Public Works Administration, and the National Industrial Recovery Administration. Its primary purpose was to provide flood control, hydroelectric power, and potential irrigation development for the upper Missouri Basin. Construction on the project began

²William B. Arthur, "MVA-Its Background and Issues," Congressional Digest, XXIX, January, 1950, p. 13. (Hereinafter referred to as Arthur, "MVA Background.")

³National Industrial Recovery Act, Statutes at Large, XLVIII, sec. 202 (b), 201 (1933).

in October, 1933. By June, 1937, the Missouri was diverted through the dam's flood control tunnels and the 135 mile Fort Peck Lake, the largest reservoir built since the Hoover Dam, was created.⁴ With this project the Corps of Engineers, an agency whose primary domestic concerns include providing safe navigation and flood control on America's primary waterways, became involved in the business of building massive multiple-purpose dams on the mainstem of the Missouri River. The powers and techniques which the Corps established at Fort Peck determined to a great extent the important role that military agency would have in the future development of the entire Missouri Valley.⁵

In 1934, Senator George W. Norris of Nebraska, the father of the Tennessee Valley Authority (TVA), introduced the first measure to provide for a federally coordinated program for controlling the entire Missouri River system. He proposed the establishment of a Missouri Valley Authority (MVA) patterned after the TVA and managed by the Department of Interior's Bureau of Reclamation. But since the urgency of a dynamic overall plan for water development and flood control was not apparent during those drought years, the Norris bill received little support and never got past the Senate Committee on

⁴U.S., Department of the Army, Corps of Engineers, Missouri River Division, Omaha District, "Fort Peck Dam-Fort Peck Lake" (Omaha: 1972), p. 3.

⁵For a detailed discussion of the almost involuntary role change the Corps of Engineers experienced as a result of the Fort Peck Project see Henry C. Hart, The Dark Missouri (Madison: University of Wisconsin Press, 1957), pp. 94-97. (Hereinafter referred to as Hart, Dark Missouri.)

Irrigation.⁶ For the remainder of the decade, Congress was content to enact piecemeal measures for flood control on the river and it was not until the disastrous floods of the early Forties that the public demanded an overall development plan and the construction of specific flood control projects for the Missouri.⁷

In 1943, torrential rains and an early spring thaw caused heavy flooding over the entire Missouri River Valley from Bismarck, North Dakota to St. Louis, Missouri. The flood's destruction, which amounted to over \$35,000,000 in property damage for the entire Missouri Valley, centered in Omaha, Nebraska. The flood also wiped out \$2,000,000 worth of flood control structures that had been built by the Corps of Engineers. The very next spring, the river spilled its banks again to flood more than 4,500,000 acres of rich bottomland and bring the two-year flood damage total to over \$100,000,000.⁸

These floods proved too much for the people of the Missouri Valley and they demanded federal action. Congressmen from the flooded districts immediately called for new flood control surveys. Their requests moved Congress to direct the Corps of Engineers to set up a plan for flood control and Colonel Lewis A. Pick, the Missouri River

⁶U.S., Congress, Senate, A Bill to Improve the Navigability of the Missouri River. . . , S. 1973, 73d Cong., 2d sess., 1934.

⁷See Flood Control Acts of 1936, 1938, and 1941, Statutes at Large, XLVIX, LII, LV.

⁸Bruce Nelson, Land of the Dakotahs (Minneapolis: University of Minnesota Press, 1946), p. 318. (Hereinafter referred to as Nelson, Land of Dakotahs.) For a description of the flood damage in Omaha see the Omaha Evening World-Herald, April 14, 1943.

Division Engineer at Omaha, was given the assignment.

Colonel Pick had only headed the Missouri Division for one year. Although his primary wartime mission was building arsenals and airfields, he wasted no time in carrying out his task. Within ninety days he submitted a ten-page report to the Chief of Engineers in Washington which became known as the "Pick Plan."⁹

The relatively short study and report that Pick drew up was primarily a plan for navigation and flood control in the lower part of the Missouri Valley, although it dealt with all facets of river development. The Pick Plan called for the construction of three groups of projects by the Corps of Engineers. The first was to build 1,500 miles of levees on the Missouri between Sioux City and the mouth of the river near St. Louis, an obvious response to the recent floods. The second group of projects included the construction of eighteen dams on tributaries of the Missouri, eleven of which had already been authorized by Congress. The third and most dynamic group of projects called for five major dams to be built on the Missouri proper, all above Sioux City. This part of the plan represented a bold application of the new powers and jurisdiction that the Corps had gained and the new techniques that they had acquired as a result of their experience with the Fort Peck project. With very little research, Colonel Pick had proposed a billion-dollar program which clearly vested all of the authority over

⁹U.S., Congress, House, Report on the Missouri River Basin, H.R. Doc. 475, 78th Cong., 2d sess., 1944.

the construction and operation of the projects with the Corps of Engineers. As one critic of the Pick Plan stated, "It is unlikely that a division engineer ever proposed so much, so quickly, and so vaguely."¹⁰

When the Pick Plan was made public it was strongly objected to by the people of the upper river. The residents of the scarce water states of North Dakota, Montana, and Wyoming, felt that the Army plans for flood control and navigation would primarily benefit the people of the lower river and would interfere with their own plans to develop irrigation. When the governors of these states went to Washington to protest the Pick Plan they learned also of a separate Army plan to create a nine-foot navigation channel on the Missouri between Sioux City and St. Louis. This project, the governors claimed, would leave them with no water at all for irrigation in the upper river valley. The governors' position was also soon affirmed and supported by the Bureau of Reclamation.¹¹

In an attempt to protect the interests of the upper river states, Senators Joseph O'Mahoney of Wyoming and Eugene D. Millikin of Colorado introduced an amendment to the Pick Plan and the navigation channel bill in the Senate Commerce Committee.¹² This amendment was designed to

¹⁰Ibid.; Hart, Dark Missouri, p. 123.

¹¹Nelson, Land of Dacotahs, pp. 322-23.

¹²U.S., Congress, Senate, Committee on Commerce, Authorizing the Construction of Certain Public Works on Rivers and Harbors for Flood Control and Other Purposes, S. Rep. 1030, 78th Cong., 2d sess., 1944, pp. 30-31.

place navigation in a subordinate position to irrigation, to protect irrigation development west of the ninety-eighth meridian, and to require Congress to submit all proposed legislation for watershed development to those states whose interests were directly involved.

The O'Mahoney-Millikin amendment was attacked by the residents of the lower river states who were against anything that might retard plans to control and prevent the floods from which they were suffering. Protesting that the amendment represented a dangerous return of the old state's rights question, the lower states were able to muster enough support to vote it down. But the upper Missouri states still had enough power to block the passage of the Pick Plan if their irrigation requests could not be assured. It soon became apparent that a compromise would be necessary. After further debate, the O'Mahoney-Millikin amendment was again added to the two pending bills. As a result of this, irrigation was given primacy over navigation in the Pick Plan.¹³

While the navigation-irrigation controversy between the lower and upper river states was being resolved, the Bureau of Reclamation came forward with their own comprehensive plan for developing the Missouri River. For several years the Bureau had been conducting research for a detailed development plan for the Missouri River Basin which it hoped to file by 1945. When the Pick Plan was introduced in Congress and asserted the authority of the Corps of Engineers

¹³ Ibid.; Nelson, Land of Dacotahs, p. 323.

over these matters, the Bureau was caught off guard. As a result, a relatively minor bureaucrat, W. Glenn Sloan, then the Assistant Director of the Bureau's district office in Billings, Montana, decided to complete the study and bring it forward before Congress approved the Army plan. In May, 1944, the Bureau submitted to Congress what thereafter became known as the "Sloan Plan."¹⁴

The Sloan Plan was 211 pages long and was much more detailed and definite than the Pick Plan. Although it provided for both flood and drought control, it gave priority to irrigation and hydroelectric power development. The Bureau of Reclamation plan called for the construction of ninety dams and reservoirs as far up in the headwaters of the Missouri as possible. The agency also proposed that most of the reservoir capacity be developed on the tributaries rather than on the mainstem. Sloan's plan therefore eliminated three of the Missouri River dam projects proposed by the Army and proposed that the other three Corps projects, including the Fort Peck Dam, be modified in order to give priority to irrigation and power development rather than flood control and irrigation. The structures proposed by the Sloan Plan would provide irrigation for nearly 5,500,000 acres of land as well as nearly 4,000,000,000 kilowatt-hours of hydroelectric power each year. They would also provide for adequate navigation on the lower river as well as an ample supply of water for municipal and domestic use. Best of all, the returns from irrigation and hydroelectric power developed

¹⁴U.S., Congress, Senate, Conservation, Control, and Use of Water Resources of the Missouri River Basin, S. Doc. 191, 78th Cong., 2d sess., 1944.

under the Sloan Plan would more than pay for the costs of the projects whereas the costs of the Pick Plan would have to be covered almost entirely by the taxpayers.¹⁵

When the Sloan Plan was made public it was immediately criticized by the people in the lower river states. They felt that the Bureau's proposal disregarded their own flood control needs. They were also afraid that the irrigation development proposed by the plan would create fertile farms in the sparse upper river region that would eventually compete with those of the lower valley in the agricultural marketplace.¹⁶ Once again the battle was joined and more than ever the respective interests of the lower and upper river states and the separate plans of the two federal agencies seemed irreconcilable. Just as the Missouri itself would not compromise and continued to provide water that was "too thick to drink and a mite too thin to plow,"¹⁷ so it seemed with the men who would not compromise between the Pick and the Sloan plans.

At this point in the apparent stalemate, the St. Louis Post-Dispatch revived the idea of a Missouri Valley Authority (MVA). On May 4, 1944, in a full-page editorial which gained national attention, the Post-Dispatch appealed to the people of the lower and upper river to resolve their differences and cooperate in bringing forth a unified

¹⁵ Ibid.; Nelson, Land of Dacotahs, pp. 322-24; Hart, Dark Missouri, p. 125.

¹⁶ Nelson, Ibid., p. 325.

¹⁷ Arthur, "MVA Background," p. 13.

plan for water development on the Missouri.¹⁸ While this proposal by no means received a consensus of support in the Missouri Basin, it did draw the Corps of Engineers and the Bureau of Reclamation closer to a compromise. Since the idea of a MVA threatened the vested interests of both agencies, they became determined to resolve their differences and work toward getting a unified plan through Congress before the MVA idea received a hearing. But before this could happen, Senator James C. Murray of Montana and Representative John L. Cochran of Missouri both introduced bills in Congress which called for the establishment of a Missouri Valley Authority and, in a special message to Congress, President Roosevelt also endorsed the idea.¹⁹

As the proponents of the MVA gathered strength, the Corps of Engineers and the Bureau of Reclamation held an important inter-agency conference in Omaha on October 16, 1944. The purpose of this meeting was to revise and coordinate the respective plans of the two agencies. The next day a one-page agreement was drawn up which reconciled the Pick and Sloan plans. This agreement specified both the exact number of projects to be built and the jurisdiction each agency would have over them.²⁰ A few weeks later, bills for the joint Pick-

¹⁸ Editorial, St. Louis Post-Dispatch, May 4, 1944.

¹⁹ U.S., Congress, Senate and House, Bills to Establish a Missouri Valley Authority . . ., S. 2089, H.R. 5377, 78th Cong., 2d sess., 1944; U.S., Congress, Senate, Message from President Roosevelt to the Senate recommending the creation of a Missouri Valley Authority, 78th Cong., 2d sess., Nov. 28, 1944, Congressional Record, XC, 8479.

²⁰ Omaha Evening World-Herald, October 16-17, 1944.

Sloan were introduced in the House of Representatives.²¹ Because there was not yet any formidable support for the MVA in Congress, the legislation was easily passed by both houses and incorporated into the Flood Control Act of 1944.²² The next March a bill authorizing the construction of a nine-foot channel on the Missouri from Sioux City to St. Louis also became part of the Rivers and Harbors Act of 1945.²³

The reconciliation of the Pick and Sloan plans was described by James S. Patton, President of the National Farmers Union and an advocate of the MVA, as a "shameless, loveless, shotgun wedding."²⁴ To be sure the agreement was reached by somewhat reluctant partners who were not motivated by an abiding love for each other. Their union was certainly borne of expediency rather than mutual accord. As a result, each agency was necessarily reconciled to works of the other which they had previously disapproved. No attempt was made to consolidate or justify the costs of the combined projects. The exact size and height of some of the dams was not determined and in some cases a duplication

²¹U.S., Congress, House, Bills Authorizing the Construction of Certain Public Works on Rivers and Harbors and for Other Purposes, H.R. 3961, H.R. 4485, 78th Cong., 2d sess., 1944.

²²Flood Control Act of 1944, Statutes at Large, LVIII, 827 (1944). For a detailed history of the movement of the Pick-Sloan Bill through Congress see Marian E. Ridgeway, The Missouri Basin's Pick-Sloan Plan (Urbana: University of Illinois Press, 1955), pp. 105-32.

²³Rivers and Harbors Act of 1945, Statutes at Large, LIX, 19 (1945).

²⁴Rufus Terral, The Missouri Valley: Land of Drouth, Flood, and Promise (New Haven: Yale University Press, 1947), p. 208. (Hereinafter referred to as Terral, Missouri Valley.)

of projects remained. Likewise, no mention was made of whether or not an adequate water supply for both irrigation and navigation could be provided. Details concerning the development of hydroelectric power installations and plans for the use of this power were also left to the future.²⁵

The Pick-Sloan Plan encompassed a total of 118 dams, thirteen of which had previously been authorized by Congress. The backbone of the plan was the five multi-purpose dams that would be built on the Missouri by the Corps of Engineers. These included the Garrison, Oahe, Big Bend, Fort Randall, and Gavins Point dams. In addition, the previously constructed Fort Peck Dam would be improved and incorporated into the plan.²⁶

In regard to flood control, the Pick-Sloan Plan aimed at eliminating all inundations of any consequence on the Missouri and its tributaries. In addition to the mainstem dams it also authorized the construction of earthen levees and concrete flood walls on both sides of the river from Sioux City to St. Louis to protect over 1,500,000 acres of rich bottomland in the lower Missouri Valley. The plan also aimed at bringing 5,000,000 acres of land in northern North Dakota, eastern South Dakota, and northeastern Colorado under irrigation for

²⁵ U.S., Congress, Senate, Review of Plans of Engineer Corps, Army, and Reclamation Bureau for the Development of Missouri River Basin, S. Doc. 247, 78th Cong., 2d sess., 1944, pp. 1-6; Richard G. Baumhoff, The Dammed Missouri Valley (New York: Alfred A. Knopf, 1951), pp. 184-95. (Hereinafter referred to as Baumhoff, Dammed Missouri.) Oscar F. Litterer, The Missouri Basin Development Program (Minneapolis: Federal Reserve Bank, 1953).

²⁶ Ibid.

the first time. When proposals for hydroelectric power were worked out, the plan provided for an output of 3,191,065 kilowatts, a third of which would be produced by the power plants at Garrison, Oahe, and Fort Randall. Besides developing irrigation for agricultural uses, the Pick-Sloan Plan also aimed at stabilizing the soil, reducing the silt flow, and generally increasing productivity in the Missouri Valley and included bank stabilization plans to protect bottomlands from being eaten away by river currents. Supplemented by the nine-foot channel below Sioux City, the plan would also improve navigation on the river. In addition, it was aimed at developing mineral resources, encouraging industrial development, protecting and increasing fish and wildlife, and providing public recreation facilities, adequate water supplies, extensive land surveys, and detailed studies of historic and prehistoric man in the Missouri Valley.²⁷

Since the Pick-Sloan Plan would touch on every aspect of life in the Missouri Valley it was bound to be controversial. Critics of the plan, who were mostly proponents of the MVA idea, viewed it as "a loose joining of two already imperfect plans with all of the imperfections of both embraced under a single title."²⁸ Even as President Roosevelt signed the plan into law, he expressed the hope that it would in no way interfere with the eventual creation of a Missouri Valley Authority. As far as he was concerned the question of who would administer the plan

²⁷Ibid.

²⁸Nelson, Land of Dacotahs, p. 328.

remained open.²⁹ Encouraged by the support of the President, Senator Murray, the liberal Democrat from Montana who became the foremost Congressional critic of Pick-Sloan, submitted another MVA bill in 1945.³⁰ But Vice President Harry S. Truman routed the proposal to the Senate Commerce Committee. This committee had approved Pick-Sloan and was known to be hostile to the MVA concept. When Senator Murray protested the fact that his bill was not sent to the committee of his own choice, which is usually the author's prerogative, Truman dispatched the bill to three separate committees so that it was sure to suffer a slow death on Capitol Hill. Undaunted by this maneuver, Senator Murray submitted several other MVA bills over the next few years. When he could not obtain Congressional hearings on the matter, the Montana millionaire used his own private funds to conduct investigations. But while Murray was supported by several of his fellow Senators including William Langer and Milton Young of North Dakota, Hubert Humphrey of Minnesota, and Guy Gillette of Iowa, his MVA proposals received little support in the House and virtually none from the White House after Truman succeeded to the Presidency. Outside of Washington, the MVA was supported nationally by the American Federation of Labor (AFL), the Congress of Industrial Organizations (CIO), and the National Farmers Union. On the local level it was also supported by such organizations as the North Dakota Farmers Union, the Missouri Farmers Association, and the St. Louis

²⁹ New York Times, December 24, 1944, p. 26.

³⁰ U.S., Congress, Senate, A Bill to Establish a Missouri Valley Authority, S. 555, 79th Cong., 1st sess., 1945.

Chamber of Commerce. Backers of the MVA also formed the Regional Committee for the Missouri Valley Authority. Editorially it was supported by the New York Times, the Washington Post, and the St. Louis Post-Dispatch. The MVA was also included in the platform of Henry A. Wallace's Progressive Party in 1948.³¹

Proponents of the MVA felt that such an agency would do a more efficient and successful job of meeting the goals of the Pick-Sloan Plan. While some supporters hoped that it would be able to reduce the size of the reservoirs as well as the amount of cultivated land that was to be taken by the projects, others saw it as a way in which to provide more jobs, cheaper electric power, and other benefits at the local level for the public rather than private interests. Some observers viewed the MVA as an example of democracy in action, as a means of regional home rule, and as a logical extension of the successful TVA. While some people viewed the fight between MVA and Pick-Sloan as liberalism versus conservatism, others saw it as a battle between two different principles of management. Under MVA there would be a unified program under a single administration while Pick-Sloan represented a loose confederation of separate and often conflicting administrative agencies. The MVA would get all of its money from Congress in one annual appropriation and would therefore not have to deal with several separate committees in both houses of

³¹Baumhoff, Dammed Missouri, pp. 261-72; Terral, Missouri Valley, pp. 209-26; Nelson, Land of Dacotahs, pp. 325-38.

Congress for different parts of the water development program as was necessary under Pick-Sloan.³²

The opponents of the MVA were much stronger than its supporters. They included the railroads of the region, the privately owned utility companies, the livestock, oil, and timber interests, and the state officials of most of the basin states including Nebraska and North and South Dakota. The MVA was also opposed by the United States Chamber of Commerce, the National Reclamation Association, the Mississippi Valley Association, the National Rivers and Harbors Congress, a powerful lobby of the Corps of Engineers, the heavy construction industry as represented by the Associated General Contractors, and by the Farm Bureau. The largest centralized organization against the MVA was the Missouri Valley Development Association which was headed by John B. Quinn, a public relations man and farmer from Lincoln, Nebraska. Editorially the MVA was also opposed by the Kansas City Star, the Omaha World-Herald, the St. Louis Globe-Democrat, and other smaller newspapers in the region, as well as the Saturday Evening Post magazine. These opponents saw the MVA as a step toward socialism, i.e., the nationalization of interests which rightfully belonged within the realm of private enterprise. They viewed the MVA as a continuation of the New Deal which they felt had attempted to create a totalitarian super-government. From their perspective, therefore, MVA was also a threat to state's rights.³³

³² Ibid.

³³ Ibid.

Sensitive to the criticism that it lacked an integrated and dynamic view of the Missouri Valley as a whole, the federal government established the Missouri Basin Interagency Committee (MBIAC). This agency was to consist of representatives from the Corps of Engineers, the Bureau of Reclamation and other Department of Interior agencies including the Office of Indian Affairs, the Department of Commerce, the Department of Agriculture, the Federal Power Commission, the Federal Security Agency, and five of the ten governors of the basin states. In addition, it was to be supplemented by the Missouri River States Committee (MRSC), an unofficial organization consisting of all of the basin state governors and their technical sides.³⁴

While the MBIAC proceeded to coordinate plans for the development of the Missouri River Basin, the supporters of the MVA continued to propose legislation which they felt would provide a more unified program. Although the Interagency plans were much more comprehensive than the original Pick-Sloan Plan, the MVA backers contended that the MBIAC represented a grass roots federal-state government alliance which would not be sufficient in turning the tide of battle against the Missouri.

³⁴Baumhoff, Ibid., pp. 169-79. Oddly enough, neither Pick nor Sloan were among the original members of the Interagency Committee. At the time that the MBIAC was being formed, Colonel Pick had been promoted to Brigadier General and transferred to Burma where he became famous as the builder of the Ledo Road. He later returned to serve as chairman of the MBIAC for a brief period before he was again promoted to Chief of the Corps of Engineers and transferred to Washington. Although Glenn Sloan was not considered for the first Interagency Committee, he was later appointed to it and succeeded General Pick as chairman before he retired from federal service in 1950.

They also held that the planning of the Committee was not consistent with the welfare of the Missouri Valley or of the nation as a whole. They also felt that among the many evils of the program was the fact that it was "tramping on the rights of Indians."³⁵

The original inhabitants of the Northern Plains settled in the valleys of the Missouri River and its tributaries. When this Indian land was reduced to reservation size in the nineteenth century, most of the tribes were able to keep some of their riverside property. In South Dakota, for example, the Sioux kept possession of the greater part of the Missouri shoreline in that state. As a result, the big water plans of the federal government were bound to effect the lands of several Indian tribes. Whether or not the Corps of Engineers and the Bureau of Reclamation had deliberately chosen Indian land over non-Indian land for their project sites, as some Indians charged, their plans would ultimately effect twenty-three different Indian reservations in the Missouri River Basin.³⁶ Six reservations on the Missouri proper would be considerably reduced in size by the huge projects to be constructed by the Corps of Engineers. These reservations, which had the most to lose as a result of Pick-Sloan, included the Fort Berthold Reservation of the Three Affiliated Tribes, which would be drastically affected by the Garrison project, the Standing Rock and Cheyenne River Sioux Reservations, which would be damaged by

³⁵ Ibid.; Arthur, "MVA Background," p. 14.

³⁶ U.S., Department of the Interior, Bureau of Indian Affairs, Listings of Missouri River Basin Investigations Reports, MRBI Rep. No. 108 (Billings: Missouri River Basin Investigations Project, 1970).

the Oahe project, the Yankton Sioux Reservation, which would be reduced by the Fort Randall project, and the Crow Creek and Lower Brule Sioux Reservations, which would suffer as a result of both the Fort Randall and Big Bend projects. Other tribes would also be adversely affected by the Bureau of Reclamation projects on the tributaries, most notably the Crow Indians in Montana whose land on the Big Horn River would be inundated by the Yellowtail Dam. But of all the works included in the Pick-Sloan Plan, Indians would suffer most from the Garrison Project.³⁷

The Garrison Dam, which was to be the largest rolled-earth dam in the world as well as the biggest Pick-Sloan project, would require the withdrawal of 155,000 acres of land from the Fort Berthold Indian Reservation. This partially timbered acreage, extremely fertile and rich in mineral resources, included some of the best land in North Dakota and the primary land on which the Three Affiliated Tribes of Mandan, Arikara, and Hidatsa Indians lived and worked. The filling of the Garrison Reservoir would not only flood the headquarters of the reservation and the bottomlands along the Missouri River, but would also overflow the valleys of four smaller tributaries and sever the remainder of the reservation into five water-bound sections, isolated from each other in terms of communication and transportation except across water during the summer. The physical rearrangement of the reservation as a result would require drastic changes in the entire

³⁷ For a detailed account of the effects of the Garrison Project on the Fort Berthold Indians see Roy W. Meyer, "Fort Berthold and the Garrison Dam," North Dakota History, XXXV, (Summer & Fall, 1968), pp. 220-355. (Hereinafter referred to as Meyer, "Fort Berthold.")

MISSOURI RIVER BASIN RESERVATIONS ADMINISTERED BY THE
 ABERDEEN AREA OFFICE, BUREAU OF INDIAN AFFAIRS



Source: U.S., Department of the Interior, Bureau of Indian Affairs, Aberdeen Area Statistical Data, 1971 (Aberdeen: 1971), p. 1.

social, economic, and administrative structure of the Fort Berthold Reservation. The prospect of this action, therefore, caused much anxiety and emotional reaction among the members of the Three Affiliated Tribes.³⁸

Determined to block the construction of the Garrison project on their land, the Fort Berthold Indians took their protest to Congress. They also hired legal counsel to represent them in their fight. In 1946, their lawyer obtained from Congress an amendment to the Civil Functions Act of that year which halted all expenditures for the construction of the Garrison project until a suitable settlement was reached with the Three Affiliated Tribes.³⁹ This legal action was based on the Fort Laramie Treaty of 1851 which provided that the reservation land established by that treaty could not be taken from the Indians without their own consent and that of Congress. This step was taken in response to the threats of the Corps of Engineers to condemn the land in Federal District Court and obtain it cheaply through the right of eminent domain. These threats had increased after both the Indians and the Secretary of the Interior rejected a cash offer that was made for the land by the Corps.⁴⁰

³⁸U.S., Congress, House, Committee on Public Lands, Fort Berthold Reservation, North Dakota, H.R. Rep. 544, 81st Cong., 1st sess., 1949, p. 16.

³⁹War Department Civil Appropriation Act of 1946, Statutes at Large, LX, 163 (1946).

⁴⁰U.S., Congress, House, Committee on Interior and Insular Affairs, Fort Berthold Indian Reservation, North Dakota, Hearings before the Subcommittee on Indian Affairs, House of Representatives, on H.J. Res. 33, 81st Cong., 1st sess., 1949, p. 37. (Hereinafter referred to as Hearings, Fort Berthold.)

While this action was taking place, the Office of Indian Affairs in Washington took initial steps to bring the vital interests of Indians into the overall planning of the Interagency Committee. The Missouri River Basin Investigation project (MRBI) was organized to conduct over-all surveys and preliminary studies of the Indian land situation in regard to estimating the replacement costs, the social and economic effects, and the damage to agriculture that would be caused by inundation. Headquarters for the MRBI was established at the Billings, Montana office of the OIA and within a few weeks members of the MRBI team were making appraisals at Fort Berthold and elsewhere.⁴¹

Also during the course of 1946, the Fort Berthold Tribal Council offered an alternative dam site on the reservation free of charge to the government. But a dam at this alternate site, which would cause considerably less damage to the Indians, was rejected by the Corps of Engineers since in the Army's estimation it would not provide an adequate storage capacity.⁴² In 1947, while no money was expended for the construction of the Garrison Dam itself because of the Civil Functions Act of 1946, over \$6,000,000 was spent on the construction of access roads and preliminary shoreline work. Much to the dismay of the Indians the reservation was invaded by Corps of Engineers truck convoys and earth moving equipment.⁴³ Finally, the campaign of the

⁴¹U.S., Department of the Interior, Annual Report of the Secretary of the Interior (Washington: Government Printing Office, 1946), pp. 378-79.

⁴²Ibid.; Meyer, "Fort Berthold," p. 245.

⁴³Hearings, Fort Berthold, pp. 9-10.

federal government to make a cash settlement with the Tribes succeeded in July, 1947 when Public Law 296 was forced on the Indians by Congress. This act provided \$5,105,625 to the Fort Berthold Indians for their land and improvements, for severance damages, and for reestablishment and relocation costs. This settlement, considered generous by many in Washington, meant that the Indians would receive about \$33 an acre for their land and all that stood on it. From that amount they were also expected to cover the costs of salvaging what they could from the land and reestablishing it elsewhere.⁴⁴

While Public Law 296 did not include any provisions for mineral rights and specifically denied fishing rights to the Indians, it did give them the right to claim additional compensation through Congress or the United States Court of Claims. Determined to exercise that right, the Tribes gave up their struggle to stop the construction of the Garrison project and began to work instead for a more favorable settlement for their land from the federal government. For the next two years the Tribal Council fought for an additional payment in Washington. They claimed that actual loss to the Fort Berthold Indians would be at least \$21,981,000 based on a private appraisal prepared by the Tribal Council.⁴⁵ A detailed brief was then presented

⁴⁴ War Department Civil Appropriation Act of 1947, Statutes at Large, LXI, 690 (1947); Meyer, "Fort Berthold," pp. 256-57. Tribal representatives testified nearly two years later that when they appeared before a House Subcommittee to negotiate a settlement in 1947, they received a very cold reception. After they returned to the reservation they were told that they had agreed to the provisions embodied in Public Law 296.

⁴⁵ Meyer, Ibid., pp. 258-59; Hearings, Fort Berthold, pp. 47-59.

to the Congressional committees which made a good case for this claim. Finally, after months of debate, the House and Senate, after arbitrarily granting or denying certain benefits to the Indians, agreed to a compromise figure of \$7,500,000 in additional funds.⁴⁶ A settlement based on this amount was then passed into law with President Truman's signature on October 29, 1949. As Public Law 437, it provided a payment of \$12,605,625 to the Three Affiliated Tribes, including the amount that was already appropriated by Public Law 296.⁴⁷

The provisions of Public Law 437 called for the disbursement of funds on a per-capita basis which would prove to be a serious handicap to the future economic development of the Tribes. The law also fell short in granting to the Indians much of the additional rights and privileges they had requested from Congress. While it did provide them with an extended period in which to salvage certain improvements and mineral resources on their land prior to inundation, it did not give them the right to share in the future use or value of that land. It denied them the right to use the reservoir shoreline for grazing, fishing, or any other purpose. It also denied them any future royalty rights on potential sub-surface mineral extractions and failed to include any provisions for the future investigation and development of potential irrigation projects on the reservation. In regard to the

⁴⁶ U.S., Congress, Senate and House, Joint Conference, Approval of Amendments to H.J. Res. 33, 81st Cong., 1st sess., Oct. 29, 1949, Congressional Record, XCV, 15051-52.

⁴⁷ Act of October 29, 1949, Statutes at Large, LXIII, 1026 (1949).

Indians request for a block of the hydroelectric power of the Garrison Dam at a low rate, the law stated that electric power would be provided to the Indians on an equal basis as provided all other persons under the Rural Electrification Act of 1936. While the law fell \$9,375,375 short of what the Indians felt was the fair value of their damages, it at the same time denied them the right to claim additional compensation through Congress or the U.S. Court of Claims. The legislation did not provide for a Land Readjustment Fund nor did it bar the collection of previous Indian debts from the settlement funds.⁴⁸

With the passage of Public Law 437, the Three Affiliated Tribes began to realize their worst fears concerning the Garrison Project. They had lost their battle to halt the construction of the dam. They had also lost the battle to get adequate compensation for their loss. They would also lose their long fight to have the deficiencies of Public Law 437 corrected by amendatory legislation in Congress.⁴⁹ Within a few years, the Tribes were relocated on new land, their reservation was inundated and segmented into five sections, and reservation life as they had known it was seriously disrupted. Signs of social and

⁴⁸ Ibid.

⁴⁹ Between 1950 and 1970 over twenty-five bills were introduced in Congress to provide for the relief of the Fort Berthold Indians and to amend Public Law 437. Only one of these bills was ever passed and it only gave the Tribes the right to use ten acres of federal land that had previously been used for a BIA school which had been destroyed by fire. See U.S., Congress, Senate, A Bill to Declare that the United States shall hold Certain Land in Trust for the Three Affiliated Tribes of the Fort Berthold Reservation, N. Dak., S. 775, 91st Cong., 1st sess., 1969.

economic decline became everywhere apparent. The cattle operations had to be liquidated, unemployment rose to as much as 79 per cent, and dozens of federal agencies eventually had to pour millions of dollars into welfare, health, education, community action, manpower, and self-help programs. After twenty years of hard work the Fort Berthold reservation is beginning to make great progressive strides, but the psychic scars of the Garrison ordeal are still visible.⁵⁰

The Fort Berthold experience is an important one for this study. Not only is it an example of the most brutal aspects of the Pick-Sloan Plan as it affected Native Americans, but it also established many important precedents for future settlements with Indian tribes concerning the taking of their land for the construction of dam and reservoir projects on the Missouri. The Cheyenne River Sioux learned many important lessons from the Fort Berthold experience. As a result, they were able to handle their negotiations in Washington much more judiciously and were also able to receive a more satisfactory settlement from Congress in 1954. Likewise, the Standing Rock, Crow Creek, and Lower Brule Sioux tribes learned much from the Cheyenne River negotiations and were able to get an even better settlement in 1958.⁵¹

Immediately prior to the passage of the final Fort Berthold settlement by a joint Congressional conference, Representative Wesley A. D'Ewart of Montana stood up to give his closing remarks. Although

⁵⁰Meyer, "Fort Berthold," pp. 329-355.

⁵¹Cf. Act of September 3, 1954, Statutes at Large, LXVIII, 1191 (1954) and Acts of September 2, 1958, Statutes at Large, LXXII, 1762-1768 (1958).

never a great friend of the Indian, D'Ewart was a member of the House Subcommittee on Indian Affairs. As he addressed his colleagues in Congress, however, he expressed the hope "that in the future we shall treat these wards of the Government in a better way, a way which will recognize their treaty rights before we proceed to drown them out."⁵² Apparently, there were few officials in Washington who shared Congressman D'Ewart's hope since in every future case land negotiations with the Indians were never settled until after the Corps of Engineers had started construction on the dam projects and in some cases the projects were completed long before a final settlement was reached.

In 1946, while the Corps of Engineers were making land surveys on Fort Berthold for the Garrison project, they also were breaking ground for the Fort Randall Dam in South Dakota. The Fort Randall project required the taking of 9,514 acres from the Crow Creek Sioux, 7,997 acres from the Lower Brule Sioux, and 3,369 acres from the Yankton Sioux. The taking of this land also required the relocation of eighty-four families on the Crow Creek Reservation, nineteen on the Lower Brule Reservation, and sixteen on the Yankton Reservation.⁵³ In 1948, the

⁵² U.S., Congress, House, Representative D'Ewart speaking for Indian land rights, H.J. Res. 33, 81st Cong., 1st sess., Oct. 29, 1949, Congressional Record, XCV, 15052.

⁵³ U.S., Congress, House, Committee on Interior and Insular Affairs, Authorizing the Negotiation and Ratification of Separate Settlement Contracts with the Sioux Indians of the Lower Brule and Crow Creek Reservations in South Dakota for Indian Lands and Rights Acquired by the United States for the Fort Randall Dam and Reservoir, Missouri River Development, and to Authorize an Appropriation for the Removal from the Taking Area of the Fort Randall Dam and Reservoir, Missouri River Development, and the Reestablishment of the Indians of the Yankton Indian Reservation in South Dakota, H.R. Rep. 2466, 83d Cong., 2d sess., 1954, p. 2; U.S., Department of the Interior, Bureau of Indian Affairs, Effects of the Fort Randall Project on Crow Creek and Lower Brule Reservations, MRBI Rep. No. 70 (Billings: Missouri River Basin Investigations Project, 1949), pp. 1-29.

Corps of Engineers succeeded where they had failed with the Fort Bert-hold Project. They were able to obtain land from the Yankton Sioux through condemnation proceedings in the Federal District Court of South Dakota. Although this action violated treaty rights, the Corps was able to obtain right of way on the Indian land by depositing \$121,310 with the Court. This amount was held to be the fair cash value of the land based on the Army's own appraisal and it was to be disbursed to individual tribal members as soon as full title to the land was granted to the United States. Because of this action, the tribe found it necessary to fight in Washington for additional compensation.⁵⁴ In 1954, two years after their land was taken from them, the Yankton Sioux received an additional \$106,500 from Congress.⁵⁵

In 1953, the Corps of Engineers also obtained the land they needed on the Crow Creek and Lower Brule Sioux Reservations through similar condemnation proceedings. The Corps deposited \$365,079 and \$233,756 with the Court for the Crow Creek and Lower Brule lands respectively. The next year, Congress ordered the Corps and the Department of Interior to negotiate a more equitable settlement with each of the tribes. But when the Indians refused to accept either of the separate appraisals made by the Corps and the MRBI, the Corps asked the Justice Department to arrange a final settlement in court based on the condemnation payment. In 1955, the Federal District Court gave the Corps of Engineers

⁵⁴U.S., Congress, House, Committee on Interior and Insular Affairs, H.R. Rep. 498 (Same title as H.R. Rep. 2466 above.), 83d Cong., 1st sess., 1953, p. 2.

⁵⁵Act of July 6, 1954, Statutes at Large, LXVIII, 452 (1954).

title to the Indian land although all gas and oil rights were retained for the tribes. The Court also added \$23,700 and \$36,855 to the deposits of the Crow Creek and Lower Brule respectively to bring the settlement up to the MRBI appraisal. In addition, the Court also disbursed the amount of the original deposits to the Indian land owners. Because this settlement also clearly violated their treaty rights, the Crow Creek and Lower Brule Sioux also took their case to Congress. They maintained that the taking of their best land affected all of the tribal members on their reservations and not just those families that were forced to relocate. Because of this, they asked Congress for funds to establish a rehabilitation program for their reservations in addition to a higher payment for their land.⁵⁶ Meanwhile, in 1956, at a cost of over \$203,000,000 Fort Randall became the first project completed under the Pick-Sloan Plan on the Missouri River.⁵⁷ In 1958, long after the Indian lands required for project were flooded and the Indian families were relocated, Congress awarded \$1,395,312 in additional funds to the Crow Creek Sioux and \$976,523 to the Lower Brule Sioux.⁵⁸ By that time, however, construction had begun on the Big Bend project and the Crow Creek and Lower Brule

⁵⁶U.S., Congress, House, Committee on Interior and Insular Affairs, Providing Additional Payments to Indians of the Lower Brule Sioux Reservation, S. Dak., Whose Lands have been Acquired for the Fort Randall Dam and Reservoir Project, H.R. Rep. 2054, pp. 2-3.

Providing for Additional Payments to Indians of the Crow Creek Reservation, S. Dak., Whose Lands have been Acquired for the Fort Randall Dam and Reservoir Project, H.R. Rep. 2086, pp. 2-3. 85th Cong., 2d sess., 1958.

⁵⁷Pierre Daily Capitol Journal, August 12, 1956.

⁵⁸Acts of September 2, 1958, Statutes at Large, LXXII, 1762-68 (1958).

tribes were again scheduled to suffer the effects of inundation and to fight for a settlement with the federal government.

In 1948, construction began on the Oahe Dam, the third major Pick-Sloan project on the Missouri River. Located six miles above Pierre, South Dakota, the Oahe project was to have the largest hydroelectric power plant and the second largest dam and reservoir capacity of all the Corps of Engineers projects. The Oahe Reservoir would also be the largest one on the Missouri, stretching over 230 miles to just below Bismarck, North Dakota. Although the Oahe Dam site was not located on Indian land, the Oahe Reservoir would flood more Indian land than any other Pick-Sloan project. Over 160,000 acres of land on the Standing Rock and Cheyenne Sioux Reservations in North and South Dakota would be inundated. On the Standing Rock Reservation, the flooding of nearly 56,000 acres would require the relocation of 170 Indian families although most of the federal and tribal facilities at Fort Yates, North Dakota, the largest town on the reservation and the agency headquarters, would be saved.⁵⁹

On the Cheyenne River Reservation the flooding of over 104,000 acres would require the removal of 200 Indian families and the relocation of Cheyenne Agency, South Dakota, the main population center

⁵⁹U.S., Congress, Senate, Committee on Interior and Insular Affairs, Authorizing the Negotiations for Contracts with Indians in Connection with the Construction of Oahe Dam, S. Dak., S. Rep. 1737, 81st Cong., 2d sess., 1950; (Hereinafter referred to as S. Rep. 1737, Authorizing Oahe Contracts.) U.S., Department of the Interior, Bureau of Indian Affairs, Effects of the Oahe Reservoir Project on the Cheyenne River Reservation and Standing Rock Reservation, MRBI Rep. No. 29 (Billings: Missouri River Basin Investigations Project, 1947), pp. 1-30. (Hereinafter referred to as MRBI Rep. No. 29, Effects of Oahe Project.)

on the reservation and the town which housed the federal and tribal headquarters, hospital, and boarding school. In addition, the most fertile land on the reservation and most of the timber resources would be lost.⁶⁰ Before beginning the story in detail of just how the Cheyenne River Sioux were effected by the Oahe project, however, it will be helpful to know what the land and the people of the reservation were like before the Oahe Dam was built and the Indian land was flooded. To find this out requires a trip back in time to the middle of the Nineteenth Century.

⁶⁰ Ibid.

CHAPTER II

A GLIMPSE OF HISTORY ON CHEYENNE RIVER

The Cheyenne River Sioux Indian Reservation was originally part of the Great Sioux Reservation established by the Fort Laramie Treaty of 1868.¹ The Great Sioux Reservation included all of what is now South Dakota west of the Missouri River. The Fort Laramie Treaty prohibited whites from hunting, settling, or establishing westward trails on this reserved land. For their part, the Sioux released all of their land east of the Missouri except the Crow Creek, Lower Brule, Yankton, and Sisseton Reservations which had previously been established. The United States government, in turn, agreed to pay annuities to the Indians for their appropriated lands. Since it became increasingly difficult to effectively administer the vast area occupied by the Sioux, the federal government later decided to divide the Great Sioux Reservation into general divisions which would recognize the different tribes of the Sioux Nation. As a result, the Cheyenne River Sioux Reservation was established as a separate reservation by an Act of March 2, 1889. This Act defined its boundaries as follows:

Beginning at a point in the center of the main channel of the Missouri River, ten miles north of the mouth of the Moreau or Owl River, said point being the southeastern corner of the Standing Rock Reservation; thence down said center of the main channel of the Missouri River; including also entirely within said reservation all islands, if any, in said river, to a point opposite the mouth of the Cheyenne River; and up the same to its intersection with the

¹U.S., Statutes at Large, Vol. XV, "Peace Treaty of Fort Laramie," April 9, 1868, pp. 635-47.

one hundred and second meridian of longitude; thence north along said meridian to its intersection with a line due west from a point in the Missouri River ten miles north of the Moreau or Owl River; thence due east to the place of beginning.²

The area of the reservation as described in this law encompassed 2,804,000 acres. Within the next seventy years the amount of land held by the Cheyenne River Sioux was further reduced by more than 1,300,000 acres.³

Although the original tribes of the Sioux Nation are no longer given recognition, four of these tribes were represented on the Cheyenne River Reservation in 1889. They were the Minneconjou, Sans Arc, Blackfoot, and Two Kettle Sioux. Along with the Oglala, Hunkpapa, and Sicangu or Brule Sioux, these tribes made up the largest division of the Sioux Nation--the Tetonwan (Men of the Prairie) or Teton Sioux. The Teton tribes speak a Siouan dialect called Lakota and are sometimes called the Western Sioux because they were the first of the Sioux to leave their traditional homes in the woodlands of the Upper Great Lakes region and migrate to the Northern Plains. Largely because they violently resisted the invasion of white settlers on their land, the Teton Sioux became the aboriginal prototype whose characteristics are most often used to describe the North American Indian.⁴

² Act of March 2, 1889, Statutes at Large, XXV, sec. 4, 889 (1889).

³ The Cheyenne River Sioux Reservation presently has approximately 1,510,821 acres.

⁴ The other two divisions of the Sioux Nation are the Santee or Eastern Sioux who speak the Dakota dialect and the Wiciyela or Middle Sioux who speak the Nakota dialect. U.S., Department of the Interior, Bureau of Indian Affairs, Fact Sheet on the Sioux (Washington: Government Printing Office, 1970), pp. 1-2 (Hereinafter referred to as BIA, Sioux Fact Sheet.); William K. Powers, Indians of the Northern Plains (New York: G.P. Putnam's Sons, 1969), pp. 45-46 (Hereinafter referred to as Powers, Indians of Northern Plains.); Hodge, Handbook of American Indians, I, 376-77.

For several generations the Teton Sioux lived near Big Stone and Lake Traverse in western Minnesota. Here, following what archeologists have termed the Woodland Cultural Tradition, the Sioux lived in semi-permanent houses and developed villages and ceremonial mounds of various types. They subsisted by hunting on foot, fishing, and gathering wild berries and other forest foods rather than cultivating their own crops. They also made pottery that was both functional and decorative. Gradually, these Indians were pushed further westward by the Chippewa who had received firearms from the French. The Teton Sioux were also lured westward by the prospect of hunting the great game herds that roamed the Plains. A few members of these tribes probably reached the Missouri River before 1750 and by 1765 they had dispossessed the Cheyenne and Kiowa from the Black Hills. The Teton Sioux also forced the Arikara out of South Dakota, made persistent attacks on the more northern villages of the Hidatsa and Mandan, and fought for many years with various other Plains Indian tribes.⁵

Soon after their arrival on the Northern Plains, the material culture of the Teton Sioux was drastically changed by two very important new acquisitions--the horse and the gun, which were diffused through a rather complex Indian trading network from the Spanish and French settlements respectively.⁶ The Teton tribes readily adapted these two new possessions to their newest economic activity--the hunting of the great

⁵Hodge, Ibid.; Waldo R. Wedel, Prehistoric Man on the Great Plains (Norman: University of Oklahoma Press, 1961), p. 211.

⁶John C. Ewers, Indian Life on the Upper Missouri (Norman: University of Oklahoma Press, 1968), pp. 23-25.

buffalo herds. They soon learned to exploit the buffalo for all of their material needs and this new source of wealth caused them to crystallize a new life pattern around the buffalo and the horse. Because the buffalo was migratory, the Teton Sioux became nomadic and their economic dependence on the buffalo soon caused them to acquire most of the traits which are considered typical of Plains Indian culture, i.e., the kinship bands, the Soldier Societies, the Sun Dance, geometric decorative art, etc. The unity of this life pattern, which represented the cultural apex of the Sioux, was also symbolized in the rich mythology and religious ceremony of the camp circle. Though scarcely reaching its full flower before 1800, this way of life began a sharp decline by 1850 as the competition between the Sioux, the white man, and the other tribes for the buffalo and the other material resources of the Plains became fiercely intense.⁷ While it is generally felt that the Teton Sioux were inherently bellicose individuals who considered war to be a sport, the Sioux warfare on the Plains should be understood in terms of this competition and the rapid and successive adjustments that these people were required to make to both white and native forces during this period. The warrior culture of the Sioux with its emphasis on combat heroics was a means by which war could be made attractive to the individual Indian and was the result rather than the cause of Indian warfare. The Teton Sioux were warlike because they had to be. If they had not been a warrior

⁷ Ruth M. Underhill, Red Man's America: A History of Indians in the United States (Chicago: University of Chicago Press, 1953), p. 155; Vernon D. Malan and Clinton J. Jesser, The Dakota Indian Religion, Bulletin 473, Rural Sociology Department, Agricultural Extension Station, South Dakota State University (Brookings: 1959), pp. 42-59.

society during this time they might not have survived.⁸

In the late 1840s waves of white fortune hunters crossed the southern periphery of the Sioux territory on their way to the gold fields of California. Many of these prospectors abandoned their original plans and decided to settle in the Plains area. The Sioux and other tribes resisted this intrusion and a small-scale war soon erupted on the Plains. Hostile confrontations between the Indians and the whites became so frequent that the federal government was called upon to negotiate and enforce a peace settlement. In 1851 a peace conference was called at Fort Laramie, Wyoming and nearly 10,000 Plains Indians gathered to meet with representatives of the United States government. In the treaty which resulted from this unusual conference, the Indians pledged to maintain peace among themselves and to permit the establishment of roads and military posts across their territory while the United States agreed to honor all Indian land rights, claims, and privileges. While both sides pledged "to maintain good faith and friendship in their mutual intercourse, and to make an effective and lasting peace," it soon became apparent that neither party could live up to these promises. The whites continued their encroachment on the Indian land as the military posts multiplied and the wagon train west was quickly followed by the stagecoach, the Pony Express rider, and the telegraph line.⁹

⁸W.W. Newcomb Jr., "A Re-Examination of the Causes of Plains Warfare," American Anthropologist, LII (April-June, 1950), pp. 317-30.

⁹U.S., Statutes at Large, Vol. XI, "Peace Treaty of Fort Laramie," September 17, 1851, p. 749; Dee Brown, Bury My Heart at Wounded Knee: An Indian History of the American West (New York: Holt, Rinehart, Winston, 1970), p. 68 (Hereinafter referred to as Brown, Bury My Heart.)

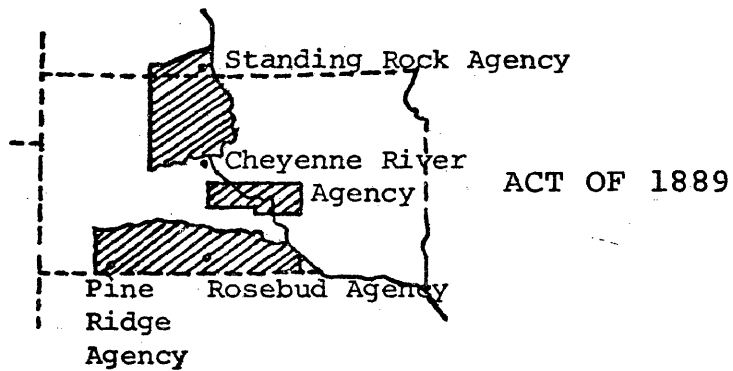
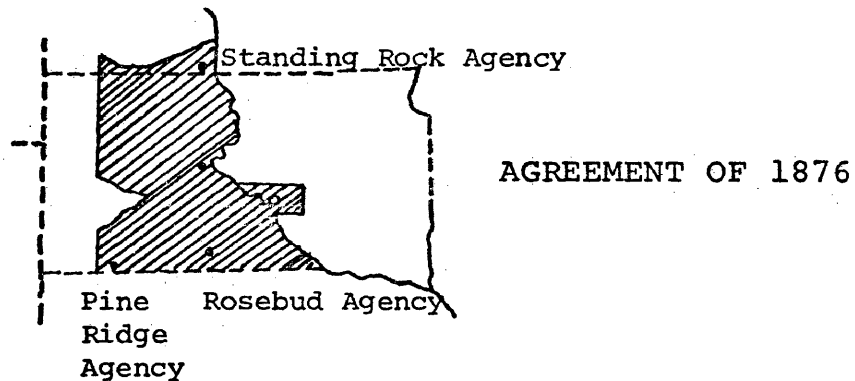
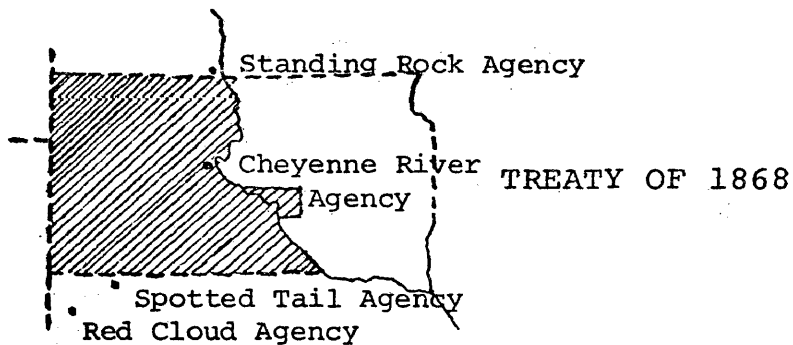
In 1855 General William S. Harney led a punitive expedition against the Teton Sioux. His campaign began the long period of military occupation of the Northern Plains which lasted for the rest of the century. His defeat of the Brules under Little Thunder was decisive enough to pacify all of the Teton tribes for a few years. During the Civil War, however, the Sioux again became restless, especially after the suppression of the Santee tribes following the so-called Minnesota Uprising in 1862.¹⁰ Another punitive expedition was sent up the Missouri River under the command of General Alfred Sully in 1863 and his troops established two military posts on the river; the first Fort Sully in South Dakota and Fort Rice in North Dakota. The discovery of gold in Montana and Idaho brought another wave of white prospectors up the Missouri at about the same time and Sully's command was assigned the task of keeping navigation open to the gold fields.¹¹ In 1865 Congress authorized the establishment of new routes to the West through the Teton buffalo range. The Sioux protested the construction of the new roads and military posts which were rapidly making their land a mere thoroughfare for white prospectors and settlers. After the words of their leaders failed to bring results, the Teton Sioux tribes united with the Cheyenne to take action to stop the white invasion. Under Red

¹⁰For a detailed account of the Minnesota Sioux Uprising of 1862 see Roy W. Meyer, History of the Santee Sioux: United States Indian Policy on Trial (Lincoln: University of Nebraska Press, 1967).

¹¹Ray H. Mattison, "Report on Historical Aspects of the Oahe Reservoir Area, Missouri River, North and South Dakota," South Dakota Historical Collections (Pierre: 1954), XXVII, 12 (Hereinafter referred to as Mattison, "Historic Oahe Sites."); Robert G. Athearn, Forts of the Upper Missouri (Lincoln: University of Nebraska Press, 1967), pp. 121, 133-34 (Hereinafter referred to as Athearn, Forts of Upper Missouri.)

REDUCTION OF THE GREAT SIOUX RESERVATION

1868 to 1890



Source: Robert M. Utley, The Last Days of the Sioux (New Haven: Yale University Press, 1963), p. 43.

Cloud, an Oglala leader, these Indians waged war on the new military posts in the Powder River country of Wyoming and Montana. After a successful series of battles which included the Hayfield and Wagon Box fights and the so-called Fetterman Massacre, the Teton Sioux won their war. After they signed the Fort Laramie Treaty of 1868, the United States agreed to abandon Fort C.F. Smith, Fort Phil Kearney, and Fort Reno. To celebrate their momentary victory, the Indians burned these military posts to the ground.¹²

In accordance with the Fort Laramie Treaty of 1868, which established the Great Sioux Reservation, General Harney established an Indian agency at a point on the Missouri ten miles south of the Cheyenne River to deal with the Indians in that area.¹³ The population of the Minneconjou, Sans Arc, Blackfoot, and Two Kettle Sioux tribes at that time was estimated by the Commissioner of Indian Affairs to be as high as 6000. Most of these Indians only visited the agency once a year to collect their annuities, but in April, 1870 they became so rowdy that the agent in charge requested increased military protection. As a

¹²For a modern analysis of the Hayfield and Fetterman battles see J. W. Vaughn, Indian Fights: New Facts on Seven Encounters (Norman: University of Oklahoma Press, 1966), pp. 14-116 (Hereinafter referred to as Vaughn, Indian Fights.) For a detailed description of Red Cloud's military and political victories see James C. Olson, Red Cloud and the Sioux Problem (Lincoln: University of Nebraska Press, 1965); and Brown, Bury My Heart, pp. 121-46.

¹³The Fort Laramie Treaty of 1868 was the last of the actual treaties between the Sioux Indians and the United States. In 1871 Congress terminated the further negotiation of treaties and stipulated that all future agreements with Indian tribes would merely be ratified as public laws. This made the process easier for the federal government since the passage of a law required only a simple majority vote of Congress while a treaty required a two-thirds vote of the Senate. See Appropriation Act of March 3, 1871, Statutes at Large, XVI, 544 (1871).

result, the military post of Fort Bennett was established on May 17, 1870 to protect the Cheyenne River agency from the Indians.¹⁴

The second Fort Laramie Treaty was also violated by both sides. Many defiant warriors from the various Teton tribes refused to live on the Sioux Reservation and joined Sitting Bull, the Hunkpapa leader, in the Powder River country. The whites, for their part, began construction of a railroad along the Yellowstone River and after General George Armstrong Custer's reports of gold in the Black Hills, the Sioux territory suffered still another white invasion. In the fall of 1875, the federal government permitted many of the restless Teton tribesmen to leave the reservation to hunt buffalo in the Powder River country. In January, 1876 government officials suddenly changed their minds about the wisdom of this decision and ordered the Indians to return immediately to the reservation or be considered hostile. Because of the severe cold and their dwindling food supply, the Indians decided to stay where they were. As a result, the War Department authorized General Phillip Sheridan to launch military operations against all of the Sioux bands not on the reservation including those under Sitting Bull and Crazy Horse, a young Oglala leader. In March, General George Crook's troops launched a surprise attack against a sleeping Oglala and Northern Cheyenne encampment on the Powder River. The Indians escaped with their horses, joined Crazy Horse's followers in the mountains, and returned

¹⁴Mattison, "Historic Oahe Sites," pp. 47-51; Athearn, Forts of Upper Missouri, p. 273; See also Harry H. Anderson, "A History of the Cheyenne River Indian Agency and Its Military Post, Fort Bennett, 1868-1891," South Dakota Historical Collections (Pierre: 1956), XXVII, pp. 390-551.

in June to rout General Crook and his forces at the Battle of the Rosebud. After their victory these Indians moved west to join the main body of Sioux, Northern Cheyenne, and Arapaho hostiles at a large encampment in the valley of the Little Big Horn in Montana. General Custer and his Seventh Cavalry foolishly tried to attack this encampment on June 25, 1876 and all but a few of his command were annihilated. A number of the Cheyenne River Indians distinguished themselves in the fighting that day including Hump, White Bull, and Iron Thunder of the Minneconjou tribe and Kill Eagle of the Blackfoot tribe. White Bull later claimed to be the man who personally was responsible for the death of Custer and he drew several pictographs of the battle to document his claim. This famous battle represented the last military victory of the Sioux. Scattering in all directions after their triumph, each of the bands that participated in the "Custer Massacre" were systematically hunted down and defeated by United States military forces.¹⁵

Following the disaster of the Little Big Horn, all of the Indians on the Great Sioux Reservation were declared prisoners of war. General Alfred H. Terry brought 1500 troops to the reservation and seized all of the Indians' horses and weapons. Nine infantry companies, comprising 426 troops, were stationed at Fort Bennett under Lt. Colonel George P. Buell and soon a new military post was constructed to accommodate even

¹⁵For a modern analysis of the Rosebud battle see Vaughn, Indian Fights, pp. 117-44. For a brief description of the Custer fight and the events surrounding it see Brown, Bury My Heart, pp. 276-313. For an account of the part White Bull played in the killing of Custer see James H. Howard, ed. and trans., The Warrior Who Killed Custer: The Personal Narrative of Chief Joseph White Bull (Lincoln: University of Nebraska Press, 1968), pp. 50-59.

more troops.¹⁶ As a result of this action, many of the Indians decided to leave the reservation to join those hostiles who had not yet been captured. But the wandering bands found it difficult to survive on the land. The old way was gone. The buffalo herds had been systematically slaughtered by the commercial white hunters and it was extremely hard to find food and stay hidden from the federal soldiers. Between 1876 and 1880 over 8000 of the hostile Sioux returned to the reservation to give themselves up to the agents in charge. In 1877 Crazy Horse also came out of hiding and surrendered to his old enemy, General Crook, at Fort Robinson, Nebraska, and was murdered shortly thereafter by Little Big Man, a fellow Oglala tribesman who had been hired by the government to serve as an Indian policeman. The other Oglalas under Red Cloud settled near the Pine Ridge Agency in the southwest corner of the Great Sioux Reservation and the Brules under Spotted Tail, who was also later assassinated by one of his own people, settled near Rosebud agency in the southeast corner of the reservation. The Hunkpapas and some of the other Teton bands under Sitting Bull, however, escaped to the plains of Saskatchewan where they pleaded with the Canadian government to give them a reservation. But the Queen's representatives were uncooperative and Sitting Bull and his followers were also forced to return to the Sioux Reservation and surrender in 1881. This action marked the official end of the War of the Plains. Claiming that the Sioux had violated the terms of the Fort Laramie Treaty by going to war with the United States, the federal government seized their sacred Black Hills

¹⁶ Mattison, "Historic Oahe Sites," p. 48.

and the buffalo ranges in the Yellowstone and Powder River country. The Sioux also lost most of their land in Nebraska as well as a fifty mile strip adjoining the Black Hills and a triangle of land between the forks of the Cheyenne River.¹⁷

At about the same time that the hostile Sioux bands were returning to the reservation, a great wave of Northern European immigrants was also pouring into the Missouri Valley. These men wanted roads through the Indian territory to the West as well as cheap land on which to settle. They began to think of ways to break up the Great Sioux Reservation and they urged the government to remove all of the Sioux and ship them to the Indian Territory in what is now Oklahoma. While Congress was willing to find ways to answer the demands of those who wanted the Indian land broken up, it was convinced that removal was no longer a workable solution and in 1877 a law was passed which directed the President to prohibit the removal of any of the Sioux Indians to the Indian Territory.¹⁸ In 1881 the Teton Sioux signed a contract which granted the Northern Pacific and Dakota Central railroads right of way through the reservation. By 1885 most of the Dakotas east of the Missouri had been settled by whites and the Indian agents at Cheyenne River Agency complained that the white settlers were stealing the Indian's timber and that white stockmen were illegally using the Indian land for grazing.¹⁹

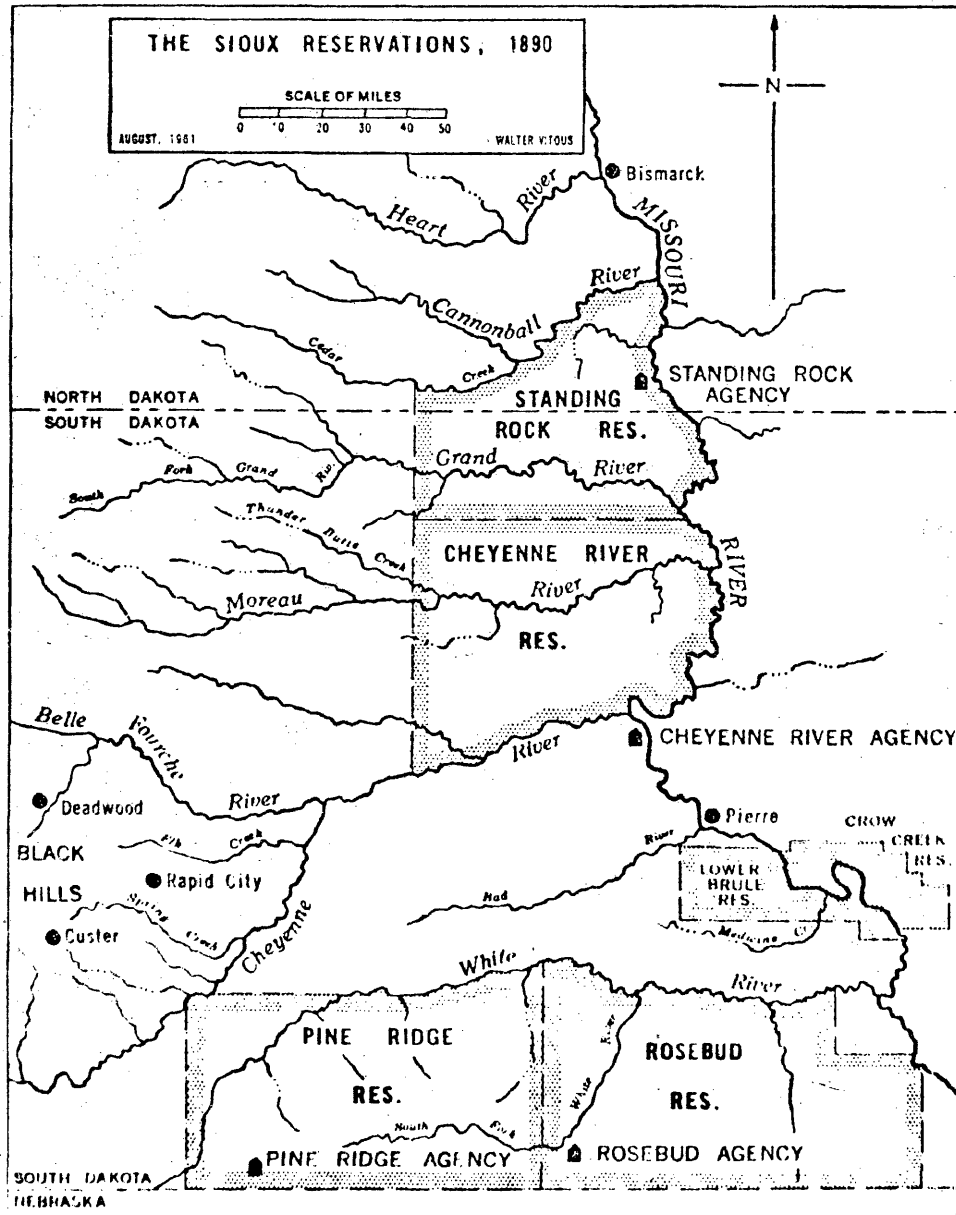
Once all of the Teton Sioux were on the reservation, the Indian

¹⁷ Brown, Bury My Heart, pp. 416-20.

¹⁸ Act of March 3, 1877, Statutes at Large, XIX, 287 (1877).

¹⁹ Mattison, "Historic Oahe Sites," p. 52.

THE SIOUX RESERVATIONS, 1890



Source: Robert M. Utley, The Last Days of the Sioux (New Haven: Yale University Press, 1963), p. 63.

HOMESTEADING ON CHEYENNE RIVER.

CHEYENNE RIVER RESERVATION

3,000,000 Acres

of good land will be thrown open
to Homesteaders soon—probably in
October 1909.

LE BEAU

So. Dak., (on M. &
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gateway to all
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A. B. CUTTS, General Passenger and Ticket Agent
Minneapolis, Minn.

Source: Donovan L. Hofsommer, "The Watertown Express and
Hog and Human: M & St. L. Passenger Service in
South Dakota." South Dakota History, II (Spring,
1973).

Bureau began in earnest its task of bringing "civilization" to the Indians. This, of course, meant the abandonment of the native culture of the Sioux and the adoption of the white man's way. Various Christian missionary organizations also became very active in this work. During the 1870s the Cheyenne River Agency was officially under the administrative control of the Episcopal Church. Both boarding and day schools were established in the Cheyenne River area by both the Episcopal Church and the American Board of Commissioners for Foreign Missions, which was sponsored by the Presbyterian and Congregational Churches. One of the earliest missionaries to this area, Thomas Riggs, established the Oahe Chapel and Indian Boarding School just north of Fort Pierre in 1873. The Oahe Dam project took its name from this small Indian mission. Oahe is a Dakota word meaning "a place to stand on."²⁰

The first Episcopal Church established on the Cheyenne River Reservation was built sixteen miles north of the Cheyenne River Agency at the Camp of Four Bears and his Two Kettle band. Later the St. Johns Church and Rectory was established at Cheyenne River Agency.²¹ While the Christian missionaries were beginning to teach the virtues of Western Civilization, government officials were trying to destroy the

²⁰Ibid., pp. 34, 51. For an account of the founding of the Oahe Mission by Thomas Riggs see Stephen R. Riggs, Mary and I: Forty Years with the Sioux (Minneapolis: Ross and Haines, 1969), pp. 327-31. A pamphlet distributed by the Corps of Engineers at the Oahe Dam site claims that Oahe means a foundation, "something about which the nomadic, tent-dwelling Dacotahs knew little." See U.S., Department of the Army, Corps of Engineers, Missouri River Division, Omaha District, "Welcome to Oahe Dam" (Omaha: 1970), p. 3 (Hereinafter referred to as Corps of Engineers, "Welcome to Oahe Dam.").

²¹Mattison, "Historic Oahe Sites," p. 13.

most important aspects of the Teton culture. In 1882 Indian Agent Leonard Love permitted the Cheyenne River Indians to hunt a few buffalo that had wandered onto the reservation. This was to be the last buffalo hunt for these tribesmen and it represented the end of their glorious hunting days and symbolized as well the end of much of their aboriginal culture. Later the Indians often amused themselves by chasing down the government-issue cattle as if they were the great buffalo bulls of old, but this activity was also soon outlawed.²² On April 10, 1883 the Secretary of the Interior, Henry M. Teller, established orders which prohibited all of the traditional Sioux dances, feasts, and religious customs.²³ While this directive was specifically aimed at prohibiting the Sun Dance because of its acts of self-torture, it also outlawed the traditional Sioux marriage rites, the practices of the medicine men and shamans, and forbade the willful destruction of property associated with the Sioux way of showing grief. In order to break down the Teton tribal system the Indian agents stripped the recognized leaders of their power and promoted those men who would cooperate with them to positions of authority not sanctioned by the tribe. Courts of Indian Offenses were established and members of the former Aticita and Soldier Societies were hired as Indian policemen to enforce the agent's will. If all else failed, the agents could control the tribes by withdrawing their govern-

²²Robert M. Utley, The Last Days of the Sioux Nation (New Haven: Yale University Press, 1963), pp. 22-23. (Hereinafter referred to as Utley, Last Days of Sioux.)

²³U.S., Department of Interior, Fifty-fourth Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior (Washington: Government Printing Office, 1883), p. xv.

ment rations since rations were the only food the Sioux had throughout the 1880s. Due to the widespread corruption in the Indian Service both the quality and the quantity of government supplies declined miserably during this period as did the health of the Indians.²⁴

Having broken the spirit of the Teton Sioux, the United States government next aimed at further breaking up their land. In 1887 Senator Henry L. Dawes of Massachusetts devised a plan whereby the Indian reservations could be broken up by allotting the lands to individual Indians in the same way that the public lands had been opened under the Homestead Act. The Dawes Severalty Act also aimed at breaking up the tribes by making citizens out of their individual members. This act granted a 160 acre allotment to heads of Indian families, eighty acres to single adults and orphans, and forty acres to dependent children. Those Indians who accepted these allotments were to receive full property rights as well as American citizenship if they maintained this land for twenty-five years during which time the land would be under a nontaxable and inalienable trust status. All of the reservation land not assigned to individual Indians was also to be held in trust for the tribe but could be opened to white settlement providing the federal government paid the tribe an adequate sum for it. The Indian Service would also retain some of the land on the reservations for its own facilities.²⁵ Although

²⁴Utley, Last Days of Sioux, pp. 31-39.

²⁵Dawes Severalty Act, Statutes at Large, XXIV, 338 (1887). Since Sioux women and children traditionally had equal property rights, the "head of family" concept was alien to these Indians and so the law was amended in 1891 to permit equal shares for all. However, this new law also permitted white ranchers to lease allotments from the Indians. See Act of February 29, 1891, Statutes at Large, XXVI, 794 (1891).

Dawes may have also had a genuine humanitarian interest in the cultural assimilation of the Indians as well as the establishment of a farm economy on the reservations, the legislation which he sponsored in 1887 was most clearly aimed at bringing the Indian land within the public domain.²⁶

In 1888 the federal government also decided to break up the Great Sioux Reservation by dividing it into several smaller reservations which recognized the Indian agencies that had already been established. In order to reduce the portions of Indian land without abrogating the treaty rights of the Sioux, government officials threatened to take the land if the Indians did not offer it for sale. This kind of intimidation became a favorite tactic of government negotiators and, as this study will demonstrate, it was one that was still used over sixty years later by those government representatives who needed to acquire Indian land for the Pick-Sloan projects on the Missouri River. In the spring of 1889 Congress authorized a special commission to negotiate with the Sioux concerning the further relinquishment of their land. The negotiations conducted by this committee led to the signing of a treaty which ceded more than 9,400,000 acres of Indian land to the United States.²⁷ A separate reservation was established for the Cheyenne River Indians and they agreed to relinquish all of their land south of the Cheyenne River. Since Cheyenne River Agency would no longer be within the boundaries of

²⁶Roy M. Robbins, Our Landed Heritage: The Public Domain 1776-1936 (2d ed., Lincoln: University of Nebraska Press, 1962), pp. 282-84.

²⁷Act of March 2, 1889, Statutes at Large, XXV, 888 (1889).

the reservation, it was moved in 1891 to a point fifty-five miles up the Missouri River opposite the small white settlement of Forrest City.²⁸ South Dakota had been admitted to the Union in 1889 and the area comprising the Cheyenne River Reservation was designated as Dewey, Ziebach, and Armstrong counties.²⁹

Finding themselves robbed of their land, confined to the reservation, and stripped of nearly all the traditional aspects of their culture including their appeal to the supernatural through the Sun Dance, the Sioux in 1890 became enchanted with a new mystic cult called Ghost Dance. Heavily influenced by Christianity, this new religion had been founded in the Pyramid Lake region of Nevada by a Pauite named Wovoka. Wovoka believed himself to be the "Indian Messiah." He prophesied that all of the white oppressors would disappear to the Spirit World and all of the ghosts of the Indian ancestors as well as the great herds of buffalo and wild horses would return to the Earth World if the Indians would merely sing and dance as he prescribed. He also proclaimed that if the Indians wore garments painted with magic ghost symbols they would never be harmed since even the white man's bullets could not penetrate the sacred Ghost Shirt.³⁰

²⁸Mattison, "Historic Oahe Sites," p. 53.

²⁹U.S., Department of Interior, Bureau of Indian Affairs, Fact Sheet on Cheyenne River Indian Reservation, South Dakota (Aberdeen: 1970), p. 2 (Hereinafter referred to as BIA, Cheyenne River Fact Sheet.); See also Herbert S. Schell, History of South Dakota (Lincoln: University of Nebraska Press, 1968), p. 222 (Hereinafter referred to as Schell, History of South Dakota.)

³⁰Brown, Bury My Heart, pp. 432-34. Utley, Last Days of Sioux, pp. 60-83.

Kicking Bear, A Minneconjou from the Cheyenne River Reservation, had visited Wovoka and had viewed his miracles and learned the Dance of the Ghosts. When he returned to Cheyenne River he taught the dance to his tribesmen and he also went to Standing Rock Reservation, where Sitting Bull now lived, to further relate his new experiences. Soon hundreds of the Cheyenne River Indians under the leadership of Big Foot and Hump, two veterans of the Plains Wars, gathered at the western end of the reservation to dance. The Ghost Dance spread rapidly to Standing Rock and before long nearly all other activities ceased on the Sioux reservations.³¹

Although the ends of the Ghost Dance were to come about through a kind of mystic, non-violent revolution rather than overt acts of human violence, the federal government became very disturbed by this new activity among the Indians. Nearly 3,000 troops were ordered to the Sioux country and the Indian agents were requested to identify and arrest all of those who were leaders in the "Messiah Craze." Accordingly, in December, 1890, Captain E. P. Ewers arrested Hump and his followers and brought them to Fort Bennett and Captain J. H. Hunt induced sixty-seven Minneconjou dancers to surrender at the post. When the Indian agents tried to stop Big Foot and his band of 600 from dancing, however, he led his followers off the reservation to a place on Deep Creek that the Sioux considered holy.³² Meanwhile, on Standing Rock Reservation, Agent

³¹Brown, Ibid., p. 431; Utley, Ibid., pp. 84-95.

³²Mattison, "Historic Oahe Sites," pp. 48-50.

James McLaughlin ran Kicking Bear off the reservation and ordered the arrest of Sitting Bull. Though he had been extremely skeptical of the Ghost Dance and had not been very active in it, Sitting Bull was murdered by the Indian policemen who came to arrest him. The death of this venerable Hunkpapa leader came as a great blow to all of the Teton Sioux and had it not been for their faith in the promises of their new religion they might have gone again to war. Instead, the Indians on Standing Rock and Cheyenne River were determined to seek refuge in one of the Ghost Dance camps that was still active on Pine Ridge Reservation. Despite the bitter December cold and the fact that he had been hemorrhaging from a severe case of pneumonia, Big Foot agreed to lead this group from a camp on Cherry Creek. As these Indians began their trek to Pine Ridge, Cavalry troops from Fort Bennett and other military posts were ordered to track them down, arrest them, and transport them to a military prison in Omaha. Four troops of Cavalry under Major Samuel Whitside finally intercepted Big Foot and his people near Porcupine Creek on Pine Ridge Reservation and moved them to a military encampment near Wounded Knee Creek. The next day, December 29, 1891, the Indians were rounded up and forced to surrender the few weapons that they had in their possession. While soldiers tried to confiscate a rifle which belonged to a young Minneconjou named Black Coyote, who was deaf and could not understand their instructions, his weapon accidentally discharged. The report of the gun startled the soldiers and suddenly the troopers of the Seventh Cavalry, Custer's old outfit, now under Colonel James W. Forsyth, opened fire on the Sioux prisoners. When the Indians started to run the Hotchkiss machine guns mowed them

down.³³

The victims of the "Battle of Wounded Knee" were buried in a mass grave near where they had fallen. In 1901 the tribal members of the Cheyenne River Reservation erected a monument at this gravesite in honor of Big Foot and the other men, women, and children who had died with him. Wounded Knee was the last armed conflict between the Teton Sioux and the United States government. The massacre also ended the Ghost Dance for all of the Plains Indians. But for the lost generation of Sioux who had desperately turned to that religious movement as their final hope, life went on despairingly.³⁴

In order to implement the Dawes plan to create a farm for every Indian, the Indian Service tried to teach the Sioux to become self-sufficient. Seeds and implements were provided for the Indians and experienced farmers were brought in to teach them how to farm. But, for a number of reasons, this program failed miserably. Traditionally the Teton Sioux had never been agriculturists and they considered the labor of tilling the soil to be both effeminate and demeaning. The years of living off the government dole had also destroyed their incentive. More important, however, the land and climate of the buffalo country was simply not well suited for planting. The Indians on Cheyenne River were continually discouraged by the fact that their crops seemed always to be either washed away, burned up, or eaten by locusts.

³³Brown, Bury My Heart, pp. 435-45. For a more moderate and detailed account of the Wounded Knee Massacre see Utley, Last Days of Sioux, pp. 200-230.

³⁴Utley, Ibid., p. 5.

In 1887 Charles E. McChesney, the Indian agent at Cheyenne River, told the Indian Bureau that "the drawbacks to successful agriculture are so great as to not be overcome with any reasonable amount of labor."³⁵

The Indian Bureau officials in Washington, however, continued their agricultural policies as if all of the Indians were growing rich on their little farms.³⁶

The Sioux proved to be much more successful at raising stock than they were at harvesting corn. In 1877 the Indian Bureau gave them over 3,000 head of cattle and the tribes were successful at increasing the size of their herds until they were seriously depleted by severe blizzards during the winter of 1886-1887. Even then, the Indian ranchers actually suffered fewer losses than did neighboring white ranchers.³⁷

In the years following Wounded Knee there were many other changes in the Cheyenne River area. After the Cheyenne River Agency was re-located up river, there was no longer any need for the military post at Fort Bennett and so it was abandoned in November, 1891.³⁸ While the new Cheyenne Agency was fast becoming a regular Indian town, the old Indian settlements, such as the camps of Four Bear and Martin Charger, were also becoming permanent Indian communities.³⁹ Between the

³⁵ Ibid., p. 23.

³⁶ Ibid., pp. 23-25.

³⁷ Ibid., p. 25

³⁸ Mattison, "Historic Oahe Sites," p. 50.

³⁹ The Camp of Four Bear, one of the early Two Kettle chiefs, was

Cheyenne and Moreau Rivers the Swift Bird and Blackfoot camps also continued to grow and the new Indian communities of Cherry Creek, Red Scaffold, Bridger, and Thunder Butte sprang up on the western end of the reservation.⁴⁰ While the white encroachment on the reservation subsided during the 1890s, it began again after the turn of the century. The Milwaukee Railroad obtained a six mile right of way through an eighty-seven mile stretch of the northern part of the reservation in 1900 and in 1902 the Indian Bureau leased out nearly 1,500,000 acres of the Indian land to a nationally known cattle syndicate.⁴¹ In 1908 the government opened up a large portion of the unallotted land on the reservation to white homesteaders for a price of from two to six dollars an acre.⁴² There was such a stampede for this land that the Indian

established in 1880. Charger's camp was established in 1882 near the site which became the new Cheyenne Agency in 1890. It was named after Martin Charger, a Sans Arc leader who was believed to be the great-grandson of Captain Merriweather Lewis. Charger was a leader in the local Indian humanitarian society known as the Fool Soldier Band. This group of Indians was organized during the Sioux Uprising of 1862 to rescue those whites who were held captive by the Santee Sioux. By exchanging their own horses and furs, the Fool Soldiers were able to obtain the release of the white prisoners, including many women and children, and return them to their homes. For more information on the Fool Soldier Band see Doane Robinson, "A History of the Dakota or Sioux Indians," South Dakota Historical Collections (Aberdeen: 1904), II, 307-313.

⁴⁰ Frank Ducheneaux, The Peace Treaty of Fort Laramie, April 29, 1868 (Eagle Butte, South Dakota: By the Author, 1968), p. 38.

⁴¹ Schell, History of South Dakota, p. 251.

⁴² The Indians so strenuously objected to the allotment policy that it had to be discontinued on Cheyenne River in 1905. The next year the federal government removed the trust restrictions from all allotments and those Indians judged competent were given the right to sell their land. See Angie Debo, A History of the Indians of the United States (Norman: University of Oklahoma Press, 1970), pp. 253, 265 (Hereinafter referred to as Debo, History of Indians.); Act of March 1, 1906, Statutes at Large, XXXV, 1015 (1906); Act of May 29, 1908, Statutes at Large, XXXV, 460 (1908).

Bureau had to sell it by lottery. The white homesteaders who poured into the area built bridges over the Missouri and Cheyenne Rivers and surrounded the Indian lands with their farms and ranches. In 1910 the government also sold a portion of the unallotted land to a development company for the construction of townsites and before long the white settlements such as Parade, Dupree, and Eagle Butte sprang up on the reservation.⁴³

While the Indian Bureau was being kept busy answering the demands of those white interests who wanted cheap Indian land, it also continued its task of stripping away the last vestiges of the Teton Sioux culture. Emphasizing vocational training for Indian youth, the government established boarding schools which kept the Sioux children away from their parents during most of their formative years. While the traditional dances and ceremonies were no longer completely prohibited, the Indian agent at Cheyenne River reported in 1918 that he had succeeded

in stopping all dances save the sidestep which is in the nature of a compromise or substitute for the old dances: that no paint or feathers are allowed to be worn and that persons under the age of forty years, returned students, and employees of the Government are not permitted to participate therein.⁴⁴

Although most of the Indian Bureau programs ultimately failed,

⁴³ Act of June 23, 1910, Statutes at Large, XXXVI, 602 (1910).

⁴⁴ Letter, E. B. Merrett, Assistant Commissioner of Indian Affairs to James McGregor, Superintendent, Cheyenne River School, November 15, 1918, University of South Dakota, Collections, American Indian Research Project.

including the infamous Dawes plan, many of the Cheyenne River Indians did become moderately successful as ranchers and they increased the size of their herds every year. But during the first World War they could not resist selling most of their stock while beef prices were high. As a result, these ranchers were again plunged into poverty during the inflationary period that followed the war. During the agricultural depression of the 1920s and the drought and grasshopper infested period that followed in the early 1930s, many of the Cheyenne River Sioux were forced to either sell or lease their allotted lands in order to survive.⁴⁵

In the early 1920s the government tried to dispose of the remainder of the unallotted land on the reservations by paying the Indians the cash value of their land and disclaiming any further government responsibility. The so-called Omnibus Bill, sponsored by Secretary of the Interior Albert B. Fall who was later found to be an accomplice in the Teapot Dome scandal, passed the House but was rejected by the Senate as a result of the opposition organized by Senator Robert M. La Follette of Wisconsin.⁴⁶ In 1924, largely in recognition of the large number of Indians who had enlisted in the armed forces and distinguished themselves during the First World War, Congress extended citizenship to all of the Indians who had not already received it under the Dawes Act.⁴⁷

⁴⁵Utley, Last Days of Sioux, p. 25.

⁴⁶Debo, History of Indians, p. 286.

⁴⁷Act of June 2, 1924, Statutes at Large, XLIII, 253 (1924).

Thus, fifty-six years after the Black American, the American Indian was officially recognized as a citizen on the United States.

In 1926 the Institute for Government Institution (the Brookings Institution), under the direction of Lewis Merriam, conducted a seven month study of the conditions on Indian reservations for the Secretary of Interior. Published in 1928, the 827 page Merriam Report revealed that the indifferent, biased, and often corrupt administration of the Indian Bureau was largely to blame for the poverty, poor housing, unhealthy conditions, and general discouragement of the Indian people. This investigation also made several important recommendations for changes which would de-emphasize the government preoccupation with matters of property and lead to a more humanitarian approach to Indian Affairs. This study aroused the concern of many government officials and led to a full-scale Senate investigation of Indian matters. The Merriam Report also generated a reform movement outside of government which President Herbert Hoover tried to pacify and President Franklin D. Roosevelt tried to answer.⁴⁸

Roosevelt's New Deal brought John Collier to the position of Commissioner of Indian Affairs. Though not an Indian, Collier had long been active in the Indian reform movement and was the first Twentieth Century commissioner to approach his job from the viewpoint of the ethnologist and social scientist rather than that of the political hack. He implemented many of the reforms that had been suggested by the Merriam Report and, under

⁴⁸ Lewis Merriam, ed., The Problem of Indian Administration (Baltimore: Johns Hopkins Press, 1928), pp. 1-827; Debo, History of Indians, p. 288.

his leadership, Congress in 1934 passed both the Wheeler-Howard and the Johnson-O'Malley Acts.⁴⁹

The Wheeler-Howard Act, also known as the Indian Reorganization Act, restored the right of self-government to the Indians by allowing them to draw up their own tribal constitutions, elect their own tribal officials, and regulate most of their own business and other activities. This law also restored the ownership of all remaining surplus lands on the reservations to the tribes and prohibited the further allotment of Indian land and the further alienation of allotted and inherited land. The act provided new credit facilities for Indians including a \$10,000,000 annual revolving loan fund, a \$2,000,000 annual land acquisition fund, and other special loan programs for business, agriculture, and education. Wheeler-Howard also established a more tolerant government program for the Indians which restored their religious freedom, gave full recognition to native practices and ceremonies, and diminished somewhat the emphasis on cultural assimilation. Boarding school children were no longer required to attend Christian services and the use of peyote in religious ceremonies was also given legal protection.⁵⁰

The Johnson-O'Malley Act of 1934 authorized the Indian Bureau to enter into contracts with state and local agencies for various health,

⁴⁹ Debo, Ibid.

⁵⁰ Indian Reorganization Act, Statutes at Large, XLVII, 948 (1934); Gordon Macgregor, "Changing Society: The Teton Dakotas," in The Modern Sioux: Social Systems and Reservation Culture, ed. by Ethel Nurge (Lincoln: University of Nebraska Press, 1970), p. 99 (Hereinafter referred to as Macgregor, "Changing Teton Society."); Schell, History of South Dakota, p. 338; Debo, Ibid., pp. 290-291.

education, and welfare services for Indians.⁵¹ This law was a part of Commissioner Collier's program to break up the Indian Bureau's monopoly on Indian services and extend them to agencies that might do a better job of administering them. Collier also used his office to promote Native American pride by hiring ethnologists and historians to produce texts on Indian history and culture for use in schools. He later wrote a book himself entitled Indians in America.⁵²

On the Cheyenne River Reservation, the new Indian program restored confidence in Indian leadership and provided a greater implementation of policies which were better suited to the actual needs and wishes of the Indians. The Cheyenne River Sioux Tribal Council adopted a Constitution and By-Laws in 1935, the purpose and precepts of which were established in its preamble:

We the Sioux Indians of the Cheyenne River Reservation in the State of South Dakota in order to establish our Tribal organization, to conserve our Tribal property, to develop our common resources, to establish justice, and to promote the welfare of ourselves and our descendents, do hereby ordain and establish this Constitution and By-Laws for our Tribal Council as a guide to its deliberations.⁵³

This Constitution established representative government on Cheyenne River by dividing the reservation into thirteen political districts. One representative from each of these districts was to be elected to the Tribal Council while the Tribal Chairman, Secretary,

⁵¹ Act of April 16, 1934, Statutes at Large, XLVIII, 596 (1934).

⁵² Debo, History of Indians, p. 291; John Collier, Indians of America (New York: New American Library, 1947).

⁵³ Constitution and By-Laws of Cheyenne River Sioux Tribe, Cheyenne River Sioux Tribal Council Files, Cheyenne River Sioux Reservation, Eagle Butte, South Dakota (Hereinafter referred to as CRSTC Files.).

and Treasurer were to be elected at large. All of these tribal officials were to be elected for four year terms. The Constitution also made provisions for voting requirements, primaries, an election board, referendum, recall, and initiative, tribal courts, tribal police, and a tribal code of law and order. Luke Gilbert was elected as the first Chairman of the Cheyenne River Sioux Tribe and he served until 1942. Later the two largest districts were permitted to have two representatives each and the membership of the Tribal Council was therefore expanded to fifteen.⁵⁴

While the rest of the nation suffered its most serious economic crisis during the 1930s, the various New Deal programs brought a new vitality to Cheyenne River. Vine Deloria Jr., a Standing Rock Sioux and the author of Custer Died for Your Sins: An Indian Manifesto, has said that "to the Indian reservations the Depression was a boon."⁵⁵ At first direct relief programs were set up on the reservations by federal and state agencies as well as the Red Cross, but this form of aid was soon replaced by the special work-relief programs conducted by the Civilian Conservation Corps (CCC). These programs made regular wages available for the majority of the able bodied Indian males for the first time in their lives. The CCC activities also provided vocational training as well as practical experience in forest and range

⁵⁴Ibid. See also William O. Farber, "Representative Government: Application to the Sioux," in The Modern Sioux: Social Systems and Reservation Culture, ed. by Ethel Nurge (Lincoln: University of Nebraska Press, 1970), pp. 123-39.

⁵⁵Vine Deloria Jr., "This Country was A lot Better Off when the Indians were Running It," New York Times Magazine, March 8, 1970, p. 32.

conservation programs. On Cheyenne River a rehabilitation program was established to revive the livestock industry and a land consolidation program was implemented in order to provide for larger grazing units. In 1942 the Cheyenne River Tribal Council became the first local Sioux government to establish a code of land management designed to purchase new Indian lands and make greater utilization of the old. The CCC and tribally sponsored programs brought new material wealth and new status to the Indians in the eyes of their families and as a result the Sioux "climbed from absolute deprivation to mere poverty, and this was the best the reservation ever had."⁵⁶

World War II also brought new experiences to the Cheyenne River Sioux. While the reservation prosperity ended as work-relief programs were cut back and social services became non-existent, many of the Indians left the reservation for the first time to serve in the armed forces or to work in the defense plants or as migrant farm workers. These experiences had a varied effect on these people. For some of the Indians it was the most traumatic experience of their lives and they were anxious to return to the familiarity of the reservation once it was all over. Others learned to better cope with the outside world and found it hard to return to the reservation after seeing the relative affluence in which other Americans lived. Many of the Indian veterans went back to the cities and later emerged as leaders in the urban Indian movement. But most of the Sioux came home to the

⁵⁶Ibid.; Schell, History of South Dakota, p. 339.

reservation after they were discharged or again locked out of off-reservation employment. From this wartime experience there emerged both the economic and political Indian leaders of the post war period and the generation of hapless Indian migrants who found themselves caught between the security of the reservation and the attractions of the city and who could not psychologically adjust to either one.⁵⁷

On the eve of the construction of the Oahe Dam, the Cheyenne River Sioux still had a relatively low standard of living. But by this time the reform era of Indian administration was beginning to slow down. Collier and the other progressive Indian administrators left the government and Congress lost its reform spirit at about the same time that new public works projects and agricultural expansion caused attention to be focused once again on the taking of Indian lands. Dillon S. Meyer, who had been in charge of the Japanese internment camps during World War II, was made Commissioner of Indian Affairs in 1950 and in government circles talk turned to the topic of the "Indian termination policy."⁵⁸

Because of the increased costs of Indian administration and the continuation of poverty, illiteracy, low educational achievement, and poor health on the reservations, a program to terminate the services of the Indian Bureau and dispose of the reservations by incorporating them into counties or placing them under private management drew strong support from a number of Congressmen, Indian Bureau officials, private

⁵⁷Macgregor, "Changing Teton Society," p. 101.

⁵⁸Debo, History of Indians, pp. 302-303.

citizens, and a few of the Indians themselves. This termination policy was largely an expression of the general desire to promote the rapid assimilation of the Indians and therefore eliminate them from the American conscience. It called for the repeal of the Indian Reorganization Act, the removal of all special restrictions on Indian land including its trust and nontaxable status, and the breakup of all tribal organizations and assets. The Indians who supported this movement were mostly those who had only a small fraction of Indian blood and lived off the reservation. These Indians had something to gain and nothing to lose as a result of termination since most of them would still receive cash benefits from the liquidation of the reservations. In a long debate in Washington those Indians who did have much to lose tried to convince the federal government that the termination policy would only serve to dump Indian land on the open market and leave the Indian permanently at the bottom of American society with even fewer opportunities for advancement. The case against termination was supported by the three largest Indian interest groups; the National Congress of American Indians (NCAI), the Indian Rights Association, and the Association of American Indian Affairs (AAIA). This cause was also championed by a number of other groups including the Quakers and by a number of young reformers including a lawyer named Ralph Nader who wrote about the damaging effects of termination in the Harvard Law Review.⁵⁹

Congress did in fact terminate the federal services of some

⁵⁹Ibid., pp. 304-11; Stan Steiner, The New Indians (New York: Harper & Row, 1968), pp. 176, 259.

tribes including the Menominee of Wisconsin and the Klamath of Oregon and in 1952 it gave states the right to extend civil and criminal law over the reservations.⁶⁰ Exercising this option, South Dakota assumed legal jurisdiction over the Sioux reservations and was supported in this action by the powerful white cattlemen who leased Indian land. Angrily protesting this move, the Sioux circulated a petition for a state-wide referendum and they were eventually able to muster enough support to defeat the law.⁶¹ After a number of "anti-termination" Democrats were sent to Congress following the Congressional election of 1954, it was decided that the administration and services of the Indian Bureau should be continued but should also be realigned in order to permit the greatest participation of the Indians themselves in their own affairs.⁶²

⁶⁰ Act of August 15, 1953, Statutes at Large, LXIII, 590 (1953).

⁶¹ Debo, History of Indians, p. 305; Schell, History of South Dakota, p. 333.

⁶² Debo, Ibid., p. 311. For a good summary of federal termination activity see U.S., Department of Interior, Bureau of Indian Affairs, The States and Their Indian Citizens, by Theodore W. Taylor (Washington: Government Printing Office, 1972), pp. 48-62. See also U.S., Congress, House, Committee on Interior and Insular Affairs, Report with respect to the House Resolution Authorizing the Committee on Interior and Insular Affairs to Conduct an Investigation of the Bureau of Indian Affairs. H.R. Rep. 2503 pursuant to H. Res. 698, 82d Cong., 2d sess., 1952, pp. 14-17. (Hereinafter referred to as H.R. Rep. 2503, BIA Investigation.)

CHAPTER III

THE IMPENDING FLOOD

In his book The Other America, Michael Harrington pointed out that poverty in the United States is largely invisible because America's poorest people usually live "off the beaten track" and are therefore removed "from the living, emotional experience of millions and millions of middle-class Americans."¹ The poor of the Black ghetto are increasingly isolated from even the casual observation of the suburban middle-class while the plight of the rural poor in such areas as Appalachia is often ignored in favor of their scenic surroundings. The inaccessibility of the reservation and the isolation of the Native American poor from mainstream America, however, has created an extreme case of cultural invisibility. Representing the poorest of the poor, the Indians are apparently the most "invisible" of all Americans. Not only is their poverty outside the experience of most of their fellow citizens, but it even escaped the attention of Mr. Harrington in the first edition of his book.² Despite the fact that the poverty, hunger,

¹Michael Harrington, The Other America: Poverty in the United States (New York: The Macmillan Co., 1962), p. 4.

²In the introduction to the second edition of The Other America, Harrington apologizes for omitting Indians from his original analysis although he makes no further comment about their economic plight other than to state they are "probably the poorest of all." (2d ed., Baltimore: Penguin Books Inc., 1971) p. x. Poverty in America is another important source book written in the 1960's which also served as a guideline for the War on Poverty. Edited by Louis Fermin, Joyce L. Kornbluh, and Alan Haber, with an introduction by Michael Harrington, this study identified the Indians as the "hardest hit of the country's poverty stricken" but then only devoted two more sentences to them and

and disease of the Indian has been more thoroughly documented than that of any other low-income group in this country, most Americans are not willing to believe that poverty of such proportion could exist in their midst and so the statistics and reports of the Indian Bureau often fall outside both the credibility and sensitivity of our affluent society. Because of this attitude the Indians were almost abandoned as a result of a strong movement in the 1950s to terminate their federal services. Although they were very much a part of the old frontier, the Indians were largely excluded from the New Frontier of President John F. Kennedy and the eradication of their poverty was never an important front in the War on Poverty, the program of President Lyndon B. Johnson which was greatly influenced by the Harrington book.

Hidden among the prairie wastelands and windswept buttes of central South Dakota, the Cheyenne River Sioux Reservation is tucked away in an isolated section of one of America's most isolated states. If the Black Hills are South Dakota's heaven, then this barren and forgotten land must certainly be its hell. Like the urban ghetto, Cheyenne River is usually only visited by those from the outside world who cannot otherwise avoid it. Unlike Appalachia, the dreary scenery of this country only serves to more clearly emphasize the destitution of its inhabitants. One visitor has described it as "The Black Hole of Calcutta of the

the nature of their poverty. (Ann Arbor: University of Michigan, 1965), p. 132. Vine Deloria Jr. suggests that the Indians are also culturally invisible because of the great amount of misinformation about them that exists in the minds of most white Americans. See Vine Deloria, Jr., Custer Died for Your Sins: An Indian Manifesto (New York: Avon Books, 1969), p. 20

Prairie."³ Only the names of the towns are picturesque--Iron Lightning, Red Scaffold, Green Grass, Whitehorse, Firesteel, Glad Valley, Timber Lake, Eagle Butte. At a time when new Native American power movements and a new historical and sociological focus appear to be making the Indian more visible to his fellow Americans, the Cheyenne River Sioux are becoming even more isolated. In common with most rural areas of the nation, the population of the counties which surround the reservation has been declining steadily since 1930 and many of the towns are dying. The closest town with a population of more than 5000 is Pierre, the minicapitol of South Dakota, which lies ninety-three miles southeast of the reservation and has a population of 9699. The only paved access to Cheyenne River is provided by U.S. Highway 212 which bisects the reservation. This two-lane blacktop road was once the favorite route of those travelling from Minneapolis-St. Paul to the Black Hills, Yellowstone Park, and points west. But, since the construction of the interstate highway system through North and South Dakota, it is now only used by local traffic and those few tourists whose curiosity is such that they cannot accept the popular image of the "drugstore Indians" of the Black Hills and other resort areas and must find out for themselves what the real Sioux of today are like.⁴ These visitors to Cheyenne River find a

³Steiner, The New Indians, p. 172.

⁴Although Interstate 94 and 90 run the entire width of North and South Dakota respectively, these highways seem to carefully avoid passing through or even near the eleven Indian reservations in these two states. Indian names and themes, however, are used widely by white merchants who own places of business along these routes. They litter the highways with their billboard advertisements for Indian arts and crafts, Indian dancing, and even mock battles between Indian warriors and white Cavalrymen. But while they exploit the Indian image, they do not utilize local Indian

people who are at the same time blessed with a glorious history and cursed with an almost inhuman and inescapable poverty. But there has been progress.

In the years just prior to the construction of the Oahe Dam, it seemed as though the Cheyenne River Sioux would never rise again. Despite the comparative prosperity of the war years and the new attitudes and programs of the Indian Bureau, the majority of the tribal members had still not been able to escape the depths of poverty. In 1950 most of them still lived in one or two room log houses with no electricity or indoor plumbing. Nearly all of the Indian households used wood stoves for both heating and cooking and potentially contaminated water which had to be hauled in containers. A majority of the homes also had unsatisfactory disposal facilities including inoperable septic tanks, inadequate privies, or a complete lack of toilet and garbage facilities.⁵

As might be expected as a result of these living conditions, the health of the Indians was also very poor. An especially high rate of tuberculosis existed on the reservation and this was the principal cause of death among the Indians. A very high frequency of those gastro-intestinal diseases and vitamin deficiencies associated with

labor and most of the Indian goods they sell are made in Japan and sold by white college students hired during the tourist season. The only Indians that most tourists are exposed to are those who are hired to wear their feathered headdress and native costumes and dance or tell amusing stories.

⁵U.S., Congress, House, Committee on Interior and Insular Affairs, A Review of Indian Health Programs, Hearings before the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs, House of Representatives, 85th Cong., 1st sess., 1963, p. 42

improper diet, particularly those caused by a lack of adequate meats and vegetables was also present. Because many of the Indians had to endure the harsh Dakota winters with inadequate clothing and shelter there was a large number of deaths each year caused by pneumonia. In addition, there was the usual Indian health problems of acute alcoholism and extreme melancholia which were clinically related to many other kinds of physical and mental illness and were socially related to many family and financial problems, acts of violence, and the relatively high rate of suicide on the reservation. A high level of venereal disease and illegitimacy also existed.⁶

In 1950 the health facilities of the reservation were extremely limited. Only two doctors and three nurses served a reservation population of approximately 4300 from the forty-bed St. Stephens Hospital at Cheyenne Agency. This facility was located as far as 150 miles from some sections of the reservation. The Indian Health Service (IHS) provided only limited ambulance service and refused to make night calls. A trip to the hospital for those who did not have their own means of transportation often required a taxi fare of \$25 or more. While some of the tribal members lived closer to medical facilities which were located off the reservation, many of the local doctors and health clinics either refused to treat them or demanded cash in advance. Although most of the medical services on the reservation were free to all enrolled members of the tribe, a large number of the Indians were reluctant to make use

⁶H.R. Rep. No. 2503, BIA Investigation, pp. 350, 1317.

of them.⁷

Like the living and health conditions on Cheyenne River, the educational situation was largely unsatisfactory in the early 1950s. Despite the fact that schools had been established on the reservation for well over half a century, the average tribal member had only a sixth grade education and the overall education level was increasing only three grades per generation. In 1950 out of a total adult population of 2628 there were only 240 high school graduates ten of which had also graduated from college. At the same time there were still about 100 Indians who were completely illiterate and about half of this number could not speak English. While five per cent of the school-age children did not attend school, those boys who did still received most of their training in industrial arts and vocational agriculture while most of the girls were trained in home economics or elementary typing

⁷The hospital was feared by many Indians as "a place of death." Some of them felt that the IHS doctors were inferior because they received such low pay and others resented them simply because they were white. As a result, many of the tribal members preferred to have their ailments diagnosed and treated by the members of their own family or those elders of the tribe who were known to be "medicine men." In 1951, only about half of the maternity cases on the reservation received professional care and the IHS doctors reported that a majority of the Indians only came to the hospital as a last resort, i.e., to have their lives saved after folk medicine had failed to heal them. These doctors also reported that those who did come to the hospital often came too late for adequate treatment, were usually uncooperative during examination, and often refused to follow their medical advice. Of course, this situation was complicated by the fact that the Indian cures often worked better than those of the white doctors. See John Cassel, Etra Page, and Gaynelle Hogan, Economic and Social Resources Available for Indian Health Purposes: A Study of Selected Reservations in the Aberdeen Area, Institute for Research in Social Science, University of North Carolina (Chapel Hill: University of North Carolina Press, 1956), pp. 38-41. (Hereinafter referred to as Cassel, et. al., Indian Health Resources.)

and bookkeeping. The only adult education program on the reservation was restricted to veterans.⁸

Despite the emphasis on vocational education at the Indian Bureau schools, the training the Indians received seldom brought them regular employment and the economy was as discouraging as the other facts of life on Cheyenne River. Only about one-fourth of the adult members of the tribe were regularly employed in 1950 and the average family income was only \$1,620.⁹ Most of those who had jobs were employed in ranch, farm, or construction work or were hired by the Indian Bureau for various non-supervisory jobs. Outside of ranching, only four Indians owned their own business and they included a storekeeper, a hamburger shop owner, and two service station proprietors. Many of the tribal members were hired as migrant farm workers in the summer but were forced to go on the welfare rolls in the winter after their savings had been depleted. As a result, federal, state, and county welfare assistance was the most important source of income on the reservation after ranching and land leases.¹⁰

⁸ Ibid., p. D-3; H.R. Rep. 2503, BIA Investigation, p. 1318.

⁹ According to the 1950 census, the median family income in the United States was \$3,073. Median income for families in South Dakota in 1950 was \$2,771. See U.S., Department of Commerce, Bureau of Census, United States Census of Population: 1950, Vol. I, Characteristics of Population, pt. 1, United States Summary, and pt. 41, South Dakota.

¹⁰ There were a number of obstacles to Indian employment during this period. The various governmental and tribal programs could simply not generate sufficient job opportunities and private non-Indian citizens were unwilling to invest in the economic development of the reservation. Job opportunities off the reservation were limited by the fact that many local employers discriminately refused to hire Indians. For their part, the tribal members were seriously hampered by their lack of training and job skills. They were reluctant to leave the reservation in search of

The one bright spot in the reservation economy was the Indian livestock program. In 1950 the Cheyenne River Sioux Tribal Cattle Enterprise was the principal industry and financial endeavor on the reservation. Financed by funds made available under the Indian Reorganization Act of 1934 as well as by the Tribal Council, this enterprise was established to loan money, livestock, and equipment to those tribal members who wanted to start ranching operations. In 1951 the Tribal Cattle Enterprise had a net worth of about \$700,000 including 4,378 head of cattle worth about \$150 each. In 1952 there were 341 Indian families who were engaged in livestock operations on Cheyenne River and many were confident that the ranching program would someday make all of the tribal members self-sufficient.¹¹

The livestock industry as well as the general economy of the reservation was seriously crippled by a complicated series of Indian land problems for which the federal government was mostly to blame. Soon after the passage of the Dawes Act in 1889, the Indian Service began to discover how foolish it had been to divide reservations such

work. The Indians were often unfamiliar with regular work patterns and many employers could not cope with the conceptual attitudes peculiar to the Indian cultural experience. Their "live for today" philosophy often made them unwilling to stick to one job for very long and their concept of time did not always lend itself well to the idea of the hourly wage and the time card. While many of the tribal members clearly lacked the incentive to take advantage of the limited opportunities that were available, many of those who were ambitious were only frustrated by the number of seemingly insurmountable obstacles that were continually placed in their path. Cassel, *et. al.*, Indian Health Resources, pp. D (10-14); H.R. Rep. 2503, BIA Investigation, pp. 1317-1318.

¹¹ Ibid., p. D-7; H.R. Rep. 2503, BIA Investigation, p. 361.

as Cheyenne River into small rectangular allotments. Because it was almost impossible to develop economic farm or ranch units on the individual tracts, the government tried to combine these allotments into larger areas with natural boundaries and water and shelter access so that they could be used as grazing units. At the same time, however, the government also permitted these units to be "checkerboarded" by white homesteaders and it soon became impossible for an individual Indian without capital to control a single grazing unit. Owning a portion of the land and usually having the money to either purchase or lease more of it, the white rancher was placed in a favorable position. Not being able to use the land himself because of the divided interests in it as well as his own lack of money, the Indian was forced either to sell his land and thus forever alienate it from the tax-free status of the reservation or lease it out and live in idleness and poverty on the rental money.¹²

As the original Indian allottees died off their land interests were divided among their heirs and the leasing problem grew continually worse. Again the Indians often found it an easy solution to sell their inherited land and as a result thousands of acres of land became alienated from the reservation at the same time that the Indian owned land that remained became even more checkerboarded. As the years passed the fragmentation of the land interests became phenomenal. Some of the allotted tracts were divided among hundreds of heirs and fifty or more heirship equities were vested to individual Indians. When some of these

¹²Debo, History of Indians, p. 294.

estates had to be settled in order to make compensation for lands that were to be taken in connection with the Oahe project, one-half section of land worth about \$500 was found to have 156 heirs, twenty-nine of whom were deceased but whose interests in the estate had never been probated. Expressed as a fraction, the least individually-owned interest in this estate was found to be $13/324,000$.¹³ For years many of the Indians received annual checks for fifty cents or less for their interest in a leased allotment. Several of them have kept these checks and today they like to display them and joke about them. As rather sad souvenirs they symbolize to these Indians the stupidity of a government system which would let the Indian land problem continue in chaos to the point where Indians received checks that cost more for the government to process than they were worth. Although the Indian Reorganization Act of 1934 forbade the further sale of inherited lands, Congress has never provided a solution for the heirship problem as the fragmentation of Indian interests continues and each year becomes even more chaotic.¹⁴

Soon after it was organized, the Cheyenne River Tribal Council began to work toward its own solution of the heirship problem. In 1937, the Council established a land consolidation program to bring as much land as possible back into Indian use and ownership. Financed by credit funds made available under the Indian Reorganization Act as well as a portion of the annual revenue of the tribe, this program provided

¹³"The Missouri River Program-Its Impact on the Indian People," CRSTC Files. This factsheet may have been prepared by the Aberdeen Area Office of the BIA in the early 1950's.

¹⁴Debo, History of Indians, p. 294.

for the purchase or trade of tribal and individual land interests by the "exchange assignment" method. Combining the traditional aspects of communal tribalism with modern real estate methods, the exchange assignment system provided that any Indian who owned an allotment or an interest in heirship land could voluntarily transfer the ownership of that land to the tribe in exchange for an assignment to the same land or other land of equal value which he could then utilize. In this way the tribe could increase the amount of its collectively owned land at the same time that individual Indians could gain the use of enough land to support an economic unit.¹⁵

Although the funds for this program were limited while the complications were numerous, the Cheyenne River Sioux were able to increase the amount of tribally owned lands from approximately 492,000 acres in 1937 to over 798,000 acres in 1950. At that time, however, 390,000 acres of the reservation remained in heirship status and 200,000 acres of the best Indian grazing land was leased to Western Farm Management, commonly known to the Indians as the "Chicago outfit," for an average fee of \$5.41 per animal unit. Although the tribe soon terminated this firm's lease and was able to move some Indian operators back on this land, white ranchers, as late as 1955, still operated 63 per cent of all the land on the reservation including over 90 per cent of the nonirrigated farm land, and over 60 per cent of the grazing

¹⁵ Henry W. Hough, Development of Indian Resources, Indian Community Action Program (Denver: World Press, 1967), pp. 38-41. (Hereinafter referred to as Hough, Development of Indian Resources.)

land.¹⁶

A few months after the passage of the Pick-Sloan legislation, the Army Corps of Engineers began making aerial photographs and topographical maps of the Cheyenne River Reservation. In 1946 the Missouri River Basin Investigation (MRBI) project made a brief reconnaissance of the Indian range and forest land and also began a preliminary investigation of the overall effects of the Oahe project. The next year, Stewart Kern, an agricultural economist, prepared the first MRBI reports on Cheyenne River.¹⁷ These 1947 reports briefly outlined the damages that could be expected on the reservation based on preliminary investigations. They outlined the administrative responsibilities and problems the Indian Bureau would have in regard to the dislocation of Indian families and the readjustment of both the economic and social structure of the reservation. In 1948 the MRBI issued the first publication to set out in general terms the extent to which all of the various reservations would be involved in the Missouri River development program.¹⁸

The early government reports made it apparent that the Oahe Dam

¹⁶ Cheyenne River Sioux Tribal Council Records, November 30, 1951, CRSTC Files; Cassel et. al., Indian Health Resources, p. D-6; H.R. Rep. 2503, BIA Investigation, p. 1317.

¹⁷ U.S., Department of Interior, Bureau of Indian Affairs, Oahe Dam and Reservoir: Effect of its Construction on the Basic Economy of the Cheyenne River Reservation, MRBI Rep. No. 14 (Billings: Missouri River Basin Investigation Project, 1947), pp. 1-25; MRBI Rep. No. 29, Effects of Oahe Project, pp. 1-30.

¹⁸ U.S., Department of Interior, Bureau of Indian Affairs, The Indians and the Pick-Sloan Plan, MRBI Rep. No. 67 (Billings: Missouri River Basin Investigations Project, 1948), pp. 1-35. (Hereinafter referred to as MRBI Rep. No. 67, Indians and Pick-Sloan.)

and Reservoir project would have a serious effect on the Cheyenne River Sioux. In 1947 the MRBI report estimated that at least 60,000 acres of Indian land would be flooded. By 1950 the Department of Interior had hiked this estimate to 95,000 acres and, by the time detailed land appraisals were completed in 1952, the taking area was set at 104,420 acres.¹⁹ Of this final estimate, 58,444 acres was owned by the tribe and 45,976 acres was owned by individuals. About a quarter of this tribally owned land was covered by exchange assignments. These assignments included some of the best land on the reservation in terms of providing water, feed, and natural shelter for livestock operations. Although most of the bottom lands that would be flooded were located along the Missouri River, which made up the seventy-eight mile eastern border of the reservation, lands extending about thirty miles back from the mouth of the Moreau River would also be flooded.²⁰

Approximately 434 individual Indians either owned land or held an heirship interest in land within the taking area. At least 113 Indian families would have to be removed from the reservoir area. Their bottom-land homesites were considered the best on the reservation because they

¹⁹ Ibid., p. 12. S. Rep. No. 1737, Authorizing Oahe Contracts, p. 3; U.S., Department of Interior, Bureau of Indian Affairs, Appraisal of Indian Property on the Oahe Reservoir Site within the Cheyenne Indian Reservation, South Dakota, MRBI Rep. No. 132 (Billings: Missouri River Basin Investigations Project, 1952), p. 2. (Hereinafter referred to as MRBI Rep. No. 132, Cheyenne River Property Appraisal.)

²⁰ U.S., Department of Interior, Bureau of Indian Affairs, Progress Report on Individual and Tribal Rehabilitation Programs of the Cheyenne River Sioux People to December 31, 1956, MRBI Rep. No. 152 (Billings: Missouri River Basin Investigations Project, 1957), p. 9 (Hereinafter referred to as MRBI Rep. No. 152, 1956 Rehabilitation Progress Report.); MRBI Rep. No. 29, Ibid.; S. Rep. No. 1737, Ibid., p. 4.

provided easy access to water and forest resources and had a comparatively fertile soil. Eighty of the families would lose cultivated tracts of land that were used either for home gardens or for growing feed crops. About 403 acres of cropland, on which was produced about 75 per cent of the corn and 10 per cent of the small grain on the reservation, would be lost.²¹

Because the Cheyenne River Sioux had worked so hard over the years to develop a thriving livestock industry on the reservation, they were greatly embittered by the fact that the Oahe project would take their most prized ranch land. About 12,360 acres of meadowland, 12,412 acres of sheltered pastureland, and 75,087 acres of choice grazing land would be lost. Approximately 7500 cattle wintered each year in the timbered bottomlands, which provided natural shelter, and in the meadows, which also provided hay for winter feed. As a result of the taking of this land, over seventy-five cattle enterprises would have to be either liquidated or relocated. Several of the Indian ranchers would lose all of their bottomlands, crop lands, and pastureland in addition to the headquarters for their livestock business and would be left with only those upland grazing areas that were above the taking line. Replacement of the lost land with that of equal value would be virtually impossible since land with similar features would not exist on or near the reservation after inundation. Cattle shelters, fencing, and other ranch facilities would have to be constructed on whatever replacement land was found in order to compensate for the loss of the natural

²¹S. Rep. No. 1737, Ibid.; MRBI Rep. No. 29, Ibid., pp. 13-14.

features of the bottomlands. Without the adjoining meadows and sheltered pastures, the grazing lands above the taking line would not be able to support an economic unit and would be difficult to dispose of since few of the surrounding land owners would be interested in adding more grazing land to their operations. As a result, the market value of this remaining land would decline rapidly. For those Indians who were just beginning to gain a self-sustaining foothold in the range cattle business, it appeared that the Oahe project spelled disaster.²²

The withdrawal of the bottomlands would also have a serious effect on other aspects of the Indian economy. The 15,000 acres of woodland within the taking area represented 90 per cent of the timbered area on the reservation. This timber supply provided the only source of fuel for at least one-fourth of the tribal members and many of them also depended on it as a source of lumber. Since these timbered areas could not be replaced, the loss of this land would require the Indians to either purchase their wood fuel supply elsewhere or develop an industry to extract lignite coal deposits on the reservation. In the future the Indians would also have to purchase building and fencing supplies which they had previously obtained without charge.²³

Since the practice of gathering and preserving wild fruits such as

²² S. Rep. No. 1737, Ibid.; MRBI Rep. No. 29, Ibid., pp. 10-14; MRBI Rep. No. 132, Cheyenne River Property Appraisal, p. 15.

²³ S. Rep. No. 1737, Ibid., p. 5; MRBI Rep. No. 29, Ibid., pp. 15-16; U.S., Department of Interior, Bureau of Indian Affairs, The Timber Resources of the Cheyenne River and Standing Rock Reservations within the Taking Area of the Oahe Reservoir in North and South Dakota, MRBI Rep. No. 131 (Billings: Missouri River Basin Investigations Project, 1952), p. 4. (Hereinafter referred to as MRBI Rep. No. 131, Timber Resources within Oahe Reservoir.)

buffalo berries, black currants, wild plums, choke-cherries, service berries, and mouse beans was common the the reservation, the loss of the plant life of the woodlands would also cause a great reduction in the natural food supply. These fruit sources provided approximately 150 Indian families with their annual fruit supply. A traditional part of the Sioux food staple these fruits added both variety and bulk to their diet.²⁴

The timbered areas also served as a shelter and feeding ground for many different types of wildlife which in turn provided many Indians with another important source of food. More than 400 deer, several hundred beaver, and thousands of rabbits and raccoons lived year round in these woodlands while thousands of pheasants and other game birds wintered there each year. The hunting and trapping of these various forms of wildlife provided an important source of food, and sometimes

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For someone unfamiliar with the Indian way of life, it is difficult to appreciate the importance and usefulness of these plants to the Sioux. These fruits were eaten raw, dried and stored for winter, made into soups and sauces, or mixed with other foods to add flavoring. These plants traditional had a number of other uses. Buffalo berries were used in female puberty rites and the sprouts from wild plums were also used in religious ceremonies. The wood from the service or juice berry plant was used to make arrow shafts. Chokecherries used to be mixed with dried buffalo meat to make pemmican, which was once the primary staple of the Sioux. The chokecherry also supplied the name of one of the Sioux months--"black cherry moon" or the month when the chokecherries were ripe, which also determined the time of the Sun Dance. The plant was also used for medicinal purposes as a cure for diarrhea and other ailments. Mouse beans were one of the most palatable wild vegetables on the frontier. This form of wild pea is collected and stored by field mice and is then collected from their nests by the Indians. According to tradition, the Sioux always left an equal quantity of corn or other grain in the nests to replace the food they had taken. Mouse bean soup was considered a delicacy. See U.S., Smithsonian Institution, Bureau of American Ethnology, "Uses of Plants by the Indians of the Missouri River Region," by Melvin Randolph Gilmore, Thirty-Third Annual Report of the American Bureau of Ethnology (Washington: Government Printing Office, 1919), pp. 43-154.

income, for over 100 Indian families as well as a source of recreation for many others. While the Cheyenne River Sioux fully exploited the resources of the bottomlands, they seldom made use of the Missouri River itself except as a source for their water supply. Though the river contained a wide variety of fish, the Indians never learned to exploit this food source and forms of water recreation such as swimming and boating were also uncommon activities.²⁵

The Oahe project would completely flood the town of Cheyenne Agency, the administrative headquarters and main population center of the Cheyenne River Reservation. The government and tribal buildings there were valued at more than \$1,000,000, including the Cheyenne River Boarding School, the St. Stephens Hospital, dormitories which housed 250 students, tribal and government office buildings and workshops which employed 125 people, and the government and privately owned residences of the 600 people who lived at the agency. A 105 acre school farm, which provided partial subsistence for the students of the boarding school, as well as the St. Johns Episcopal Church and the Corpus Christi Catholic Church would be lost. On other parts of the reservation, the Moreau River Day School, the Four Bear Day School, and some other churches would have to be relocated. At least eight Indian cemeteries would have to be relocated, five of which were Protestant and contained a total of about 700 graves and three of which were Catholic and had about 400 graves. In addition, some private Indian burials, a monument to the Indian war veterans, and the "Medicine Rock" a traditional

²⁵S. Rep. No. 1737, Authorizing Oahe Contracts, p. 5.; MRBI Rep. No. 131, Timber Resources within Oahe Reservoir, p. 4.; MRBI Rep. No. 29, Effects of Oahe Project, pp. 14-16.

religious shrine of the Sioux would also have to be relocated.²⁶

While the preliminary investigations revealed that the Cheyenne River Sioux would suffer a large number of serious losses as a result of the Oahe project, Kern, in his 1947 report, could only note two important benefits that they would receive. He felt that the project would create many employment opportunities and produce a great demand for both skilled and unskilled laborers. Of course, this assumed that the Corps of Engineers, the private contractors, and the other government agencies involved in the Oahe project would be willing to hire Indians and that local employers would also overcome their long established prejudice against Indian employees. The second important benefit, according to Kern, was that the Oahe power plant would provide cheap electrical power which would permit many of the Indian families to materially improve their standard of living. But while this might be true in regard to those Indians living near established transmission lines, the poor rural Indians would probably still not be able to bear the heavy costs of transmitting electricity to their area and, given their present income, many of the Indians would not be able to afford electrical power no matter what its cost or availability.²⁷

The MRBI general report of 1948 was also optimistic that the Oahe project would present the Cheyenne River Sioux with an extraordinary

²⁶S. Rep. No. 1737, Ibid.; MRBI Rep. No. 29, Ibid., pp. 16-18.; U.S., Department of Interior, Bureau of Indian Affairs, Location and Census of Indian Cemeteries, Cheyenne River Indian Reservation, South Dakota, MRBI Rep. No. 120 (Billings: Missouri River Basin Investigations Project, 1951), pp. 1-3.

²⁷MRBI Rep. No. 29, Ibid., pp. 5-6.

opportunity to expand into irrigation farming. Under the Pick-Sloan Plan, the Bureau of Reclamation proposed to build an irrigation unit on the Moreau River which would provide water for 17,700 acres of land in the northern part of the reservation. About 70 per cent of this land was owned by tribal members. While irrigation farming was an interesting goal it was not a particularly realistic one as far as these Indians were concerned. Irrigation units were usually only used by commercial farmers while the Sioux were not even very successful as subsistence farmers. They had had no experience with irrigation and hardly any of them would be able to make the capital investment required to establish irrigation systems once the water was available.²⁸

The 1948 report also listed a number of other thorny problems which the Cheyenne River Sioux might be confronted with as a result of the Oahe project. Assuming that the Indian lands would be taken through condemnation by the Corps of Engineers under the right of eminent domain just like non-Indian lands within the taking area, the tribal members would only be entitled to receive the "fair market value" of their land based on the Corps of Engineers' own appraisal. While this kind of settlement usually presupposes that land of equal value can be found elsewhere, this was clearly not the case in regard to these Indians. They would not be able to acquire land as good as that that would be lost within hundreds of miles of the reservation. There was no

²⁸ MRBI Rep. No. 67, Indians and Pick-Sloan, pp. 10-11, 20.

assurance that land of any kind could be purchased by them at a reasonable price. The Cheyenne River Sioux were therefore presented with an ominous problem. If there was a delay in finding new homesites once their present property was condemned they might be forced to live off the compensation they received for it and would then run the risk of ending up both homeless and broke. The precedent for this kind of settlement in regard to the Pick-Sloan projects had already been established in 1947 when the Corps of Engineers made a settlement with the Fort Berthold Indians which paid them the appraised value of their property and improvements only. This kind of condemnation procedure would not provide funds for the cost of moving the Indians to new homes, developing new lands so that they could be utilized in the same way as the old, or readjusting the livestock operations to meet new conditions. Such a settlement also threatened to take away the shoreline rights of the Indians since the Corps of Engineers would control the shoreline after condemnation and the Fish and Wildlife Service was given priority under law to establish the shoreline for recreation and conservation development.²⁹

In order to help the Cheyenne River Sioux with these and other problems, the MRBI staff was assigned the responsibility of maintaining a liaison between the Corps of Engineers and the tribal and agency representatives. They were also directed to make investigations of the Indian employment opportunities, the potential requirements for increased electrical energy, the effects of wave action on the shoreline,

²⁹Ibid., pp. 7-8.

and the accessibility of water for domestic and livestock uses. They were also to provide direct assistance in planning for and actually moving the 113 Indian families from the taking area, and they were also asked to conduct a timber survey, to prepare a complete economic study of the reservation, to make a wildlife study in cooperation with the Fish and Wildlife Service, to draw up a plan for the removal of Cheyenne Agency, and to plan a new road system.³⁰

In the meantime, in 1948, at a site on the Missouri River six miles northwest of Pierre, South Dakota, the Corps of Engineers began construction on what was to be the largest rolled-earth dam in the world. At an estimated cost of over \$340 million the Oahe Dam and Reservoir project would turn the midsection of the muddy Missouri into a big blue lake longer than Ontario and deeper than Erie. The proposed height of the dam had been increased from 192 to 245 feet by the Corps of Engineers and the proposed output of the power plant was later increased from 150,000 to 595,000 kilowatts. The maximum pool level was also gradually increased and this accounted for the increase in the amount of land that would have to be taken. As construction began on the project the maximum pool level had not yet been accurately projected on ownership maps.³¹

Meanwhile, the Indians of the Missouri River Basin were focusing their attention on the negotiations that continued between the representatives of the Fort Berthold Reservation and Congress in regard to

³⁰Ibid., pp. 23-27.

³¹MRBI Rep. No. 29, Effects of Oahe Project, pp. 3-4.; New York Times, August 3, 1958.

the Garrison Dam project. While the Corps of Engineers had already made a \$5,000,000 settlement with the tribe, these Indians were trying to establish a legal basis for further financial benefits as well as special considerations from Congress. They based their case on the fact that the involuntary loss of a substantial portion of their reservation had clearly violated those treaty rights which guaranteed the integrity of their reservation. They felt that on the basis of these treaty rights, their status as wards of the government, and their present economic condition, the ordinary process of condemnation by right of eminent domain did not constitute just compensation and they asked Congress to provide for a new appraisal of their property, additional funds to cover the costs of removal, the development of the residual reservation, and other special rights and privileges. After a long and hard battle in Washington, Congress finally took special cognizance of the situation of the Fort Berthold Indians and provided them with an additional payment of \$7,500,000 although it denied their requests to retain full mineral and shoreline rights and the right to use a block of the hydroelectric power of the Garrison Dam for their own use.³²

Based on this final Fort Berthold settlement, Congress in 1950 passed Public Law 870 which authorized the negotiation of separate settlement contracts with the Cheyenne River and Standing Rock reservations for lands and rights that would be acquired as a result of the Oahe project.³³ This act provided that the Army's Chief of

³²The Fort Berthold Act, 63 Stat. 1026 (1949).

³³Act of September 30, 1950, Statutes at Large, LXIV, 1093-95 (1950). (Hereinafter referred to as The Oahe Act, 64 Stat. 1093 (1950).)

Engineers and the Secretary of the Interior would share the responsibility of directing negotiations with Indian representatives that would be chosen by the respective Tribal Council. It declared further that the final settlement contracts should not only provide for the payment of just compensation for the Indian lands and improvements to be taken, but should also cover the costs of relocating and reestablishing those tribal members affected "so that their economic, social, religious, and community life can be reestablished and protected."³⁴ This also included the costs of relocating the Indian cemeteries, tribal monuments, and shrines. In order to assist the negotiators in arriving at the amount of just compensation, Congress requested that the Corps of Engineers and the MRBI staff prepare a tract-by-tract appraisal schedule to determine the fair market value of the land and property to be flooded. This appraisal was to include the value of all improvements, standing timber, minerals, land-usage, and severance damages. Those individual Indians who rejected the government appraisal on their property would be given the option of having the value of their land determined in Federal District Court at the expense of the Corps of Engineers. Once all the appraisals were determined, the Corps of Engineers and the MRBI were then to prepare a schedule of dates for the removal of Indian property from the taking area. The final settlement contracts with each of the tribes were to be negotiated, approved, and submitted to Congress within eighteen months and they would not take effect until they had been ratified by an act of Congress and by three-

³⁴ Ibid.

fourths of the adult tribal members on each reservation. In the event that the negotiators could not reach an agreement on the contract proposals, they were to be considered and determined by Congress except that under no circumstances would the negotiations be permitted to restrict or delay the construction of the Oahe project. Once the final contract was ratified it would convey title to all of the land to the United States and would represent a final and complete settlement of all Indian claims in regard to their land.³⁵

While the passage of the Oahe Act of 1950 somewhat eased the fears of the Indian property owners on Cheyenne River, they were still disappointed by the fact that it had not mentioned such important matters as the rights to use the shoreline of the Missouri River as well as a block of the hydroelectric power of the Oahe Dam. Because they felt that the Fort Berthold Indians had been robbed by the government, they were determined to negotiate an even better settlement and to fight for these and other important benefits.

³⁵Ibid.

CHAPTER IV

THE TRIBE GOES TO WASHINGTON

The initial reaction of the Cheyenne River Sioux to the Oahe project was extremely negative. None of the Indians wanted to be moved from their land or to lose their economic resources. Likewise, they were not happy about the prospect of having their homogeneous communities uprooted or their fixed and accepted pattern of government services endangered. Besides fear and apprehension, the tribal members also experienced a feeling of anger. They were incensed that the United States was again so willing to breach the faith of its solemn treaty obligations and sacrifice the interests of the Indians in order to satisfy the white man's bid for progress. As a result of this anger, some of the Indians were determined to resist the federal government. They began to think of ways to forestall or postpone the construction of the Oahe Dam, a project which they felt could only mean disaster for them. Had it been possible for all of the tribes affected by the Pick-Sloan Plan to organize their opposition, hire a battery of competent lawyers, and gain the support of a few influential Congressmen, an Indian resistance movement in the mid-1940s might have succeeded in eliminating at least some of the mainstem reservoir projects on the Missouri River. But intertribal cooperation was virtually nonexistent at that time. The legal and political resources available to the Indians were extremely limited, and the moment of opportunity soon passed.¹

The federal government ignored what it considered to be the minor protests of the Indians and construction began on several of the reservoir projects before tribal representatives were even consulted. Within a short time, the dire and foreboding events foretold by the Pick-Sloan Plan became realities for the Indians. In the ensuing period their resistance faded as they came to accept what the government had already determined to be inevitable and they resigned themselves to making the most of whatever alms might be offered in compensation. But their feeling of bitterness continued.²

In accordance with Public Law 870, the Cheyenne River Tribal Council on December 9, 1950 appointed a seven-man committee to negotiate a final settlement with the federal government concerning the Oahe project. Those men selected included Frank Ducheneaux, Sidney Claymore, Edward Claymore, Lloyd Le Beau, Nelson Le Beau, John Little Cloud, and Alex Chasing Hawk.³ All of these men were members of the Tribal Council with the exception of Frank Ducheneaux, who was the Tribal Chairman. The Claymores, the Le Beaus, and Ducheneaux were members of three of the

¹ Frank Ducheneaux, interviews held at private residence on Cheyenne River Sioux Reservation, South Dakota, July 30-31, 1972 (Hereinafter referred to as Frank Ducheneaux, interviews.); Ellen Ducheneaux, interviews held at Cheyenne River Sioux Tribal Jail, Eagle Butte, South Dakota, July 31, August 1, 1972 (Hereinafter referred to as Ellen Ducheneaux, interviews.); Lloyd Le Beau, interview held at Cheyenne River Sioux Tribal Housing Office, Eagle Butte, South Dakota, July 31, 1972 (Hereinafter referred to as Lloyd Le Beau interview.)

² Ibid.

³ The Oahe Act of 1950, 64 Stat. 1093-94, sec. 1 (1950); Cheyenne River Sioux Tribal Council Resolution 1428, December 9, 1950, CRSTC Files.

largest and most prominent "mixed blood" families on the reservation while both Little Cloud and Chasing Hawk were full-blooded Sioux. Most of these men had had experience in dealing with government officials and Sidney Claymore was especially valuable as a tribal negotiator since he was a professional land and property appraiser. As fitted his position as Tribal Chairman, Frank Ducheneaux was named the chief negotiator for the Tribal Negotiating Committee.⁴

Ducheneaux was a veteran of the infighting of tribal politics. Having been elected a charter member of the Cheyenne River Tribal Council in 1934, he had served as a Councilman for sixteen years prior to his election as Tribal Chairman in the fall of 1950. Born in 1903 near Trail City (then known as Cheyenne Junction) on the northern border of the reservation, he had attended the Trail City public schools through the eighth grade. But what Ducheneaux lacked in formal education he soon made up for in political shrewdness. Grooming himself to fill the vacuum of tribal power, he became a popular and benevolent leader, a cordial diplomat, and an astute and powerful politician. Except for the years between 1958 and 1962, he served as the Tribal Chairman and political boss of Cheyenne River until his retirement in 1970. During this reign he became known to some of his constituents as "the Mayor Daley of Cheyenne River."⁵

⁴Frank Ducheneaux, Lloyd Le Beau, interviews.

⁵Frank Ducheneaux, *Ibid.*: Clyde Dollar, interview held at private residence, Vermillion, South Dakota, July 23, 1972. This reference is to Richard J. Daley, the Democratic mayor of Chicago.

As chief negotiator for the Oahe settlement, Ducheneaux appointed his wife Ellen to serve as Secretary of the Tribal Negotiating Committee. Ellen Ducheneaux, who was a talented politician in her own right, eventually became a regular member of the negotiating committee and later was named Superior Judge of the Cheyenne River Sioux Tribal Court. The Tribal Negotiating Committee was also to be advised by Ralph Case, the tribal attorney, who was a close friend of the Ducheneaux family. Case had grown up in the Dakotas and had once lived at old Fort Bennett. A former Major in the Army, he had resigned his commission to become an Indian claims lawyer, a vocation in which, he openly admitted, he wanted to both help the Indians and make money. He was first hired as a tribal attorney for the Cheyenne River Sioux in 1922. Establishing an office in Washington, D.C., he eventually represented nearly all of the other Sioux tribes. Working on a commission basis, he had represented the Sioux in the \$189,000,000 Black Hills suit in the U.S. Court of Claims. He spent many years and much of his own money on the research and expenses of this case and after the suit was denied in 1942 he tried in vain to bring it before the Indian Claims Commission.⁶ In regard to the Pick-Sloan Plan, Case had represented the Fort Berthold Indians in their negotiations concerning the Garrison project in 1949. Though the experience he gained in working for that settlement proved valuable to

⁶In 1934 the Teton Sioux tribes brought suit against the United States for the value of over 73,000,000 acres of the Black Hills alleged to have been taken by treaties. In 1946, the Indian Claims Commission was formed specifically to adjudicate all fraud, treaty violations, and other Indian claims against the government. A settlement has never been reached in regard to the Black Hills case. See H.R. Rep. 2503, BIA Investigation, p. 356.

the Cheyenne River Sioux in their own negotiations, the Fort Berthold tribe had not been happy with his services and they communicated their feelings to several of the other tribes. Soon Case was fired by all of the tribes except the Cheyenne River and the Fort Peck Indians. When he died in Washington in June, 1957, Frank Ducheneaux and his wife and Alex Chasing Hawk were the only Indians at his funeral.⁷

Soon after the Tribal Negotiating Committee was appointed, the Corps of Engineers, as directed by Public Law 870, employed Gerald T. Hart and Associates, a private land appraisal firm from Denver, Colorado, to prepare an appraisal on all of the Indian property within the Oahe taking area. In the spring of 1951, the Hart appraisers began their work and a team of MRBI foresters also began a survey of the timber resources on the reservation. In August, after the timber survey was completed, MRBI personnel decided to evaluate the fairness and accuracy of the Hart appraisal.⁸ On November 15, the Hart firm submitted its appraisal to the Cheyenne River Tribal Council. This appraisal had found that approximately 102,847 acres of the reservation would be flooded by the Oahe project and that 131 Indian families would have to be relocated. The Hart appraisal also determined that the land, improvements, timber, and severance damages within the taking area had a "fair market value"⁹ of \$1,605,410. (See Table 1, p. 108) Of this amount,

⁷ Frank Ducheneaux, Ibid.: Eagle Butte News, July 19, 1957.

⁸ MRBI Rep. No. 131, Timber Resources within Oahe Reservoir, p. 1.; MRBI Rep. No. 132, Cheyenne River Property Appraisal, p. 4.

⁹ The Corps of Engineers and the Bureau of Indian Affairs agreed on the following definition of "fair market value" as properly reflecting the intent of Congress in Public Law 870: "Market value is the highest

\$1,243,516 was considered to be the fair market value of all of the land within the taking area. This amounted to an average value of approximately \$12 an acre.¹⁰

Immediately upon receiving the Hart appraisal, the Tribal Negotiating Committee checked it against tribal and agency land records, information furnished by Indian property owners, and their own field inspections. Within a short time the tribal negotiators found a number of errors in the description of the land appraisal. Certain buildings, fences, stock water ponds, and other improvements had been omitted and some of the cropland and timber had been overlooked. The committee also felt that in many cases the Indian property and damage estimates had been valued too low.¹¹ In view of these findings, the committee requested a conference with representatives of the Department of the

price fairly determined in terms of money which could be commanded for property by a seller who is fully informed as to the rights and benefits inherent in or attributable to the property and as to the highest and best use to which it is adaptable, from a buyer who is also well informed as to the said rights, benefits, and uses inherent in or attributable to the property, if the property should be exposed for sale in the open market for a reasonable length of time." (MRBI Rep. No. 132, Ibid., p. 20).

¹⁰U.S., Congress, House, Report of Tribal Council of the Cheyenne River Sioux Reservation, S. Dak. on H.R. 2233, 83d Cong., 1st sess., January 29, 1953, Congressional Record, XCIX, 646-49. (Hereinafter referred to as Tribal Council Report on H.R. 2233, 83d Cong., 1st sess., 99 Cong. Rec. 646-49 (1953)). A MRBI study later revealed that the average per acre value of state school lands sold in 1951 was \$27.67 in Dewey County and \$20.18 in the seven county area which adjoined the reservation west of the Missouri River. Even the Basic Data Report used by the Hart firm in their appraisal had found that the average value per acre of private lands sold in the twelve county area surrounding the reservation was \$17.64 in 1951. (MRBI Rep. No. 132, Ibid., pp. 22, 26.)

¹¹MRBI Rep. No. 132, Ibid., p. 4.

Interior and the Corps of Engineers to discuss the appraisal errors. On January 7, 1952, the entire negotiating committee met with Dillon S. Myer, the Commissioner of Indian Affairs, in Washington to arrange for such a conference. In answer to their request, Commissioner Myer scheduled a meeting with General Lewis A. Pick himself on January 11 at the headquarters of the Chief of Engineers. At this conference General Pick was presented with an eight-page list of errors found in the Hart appraisal. After reviewing the list, the General agreed that the errors would have to be corrected before further negotiations could proceed. He promised that the Corps of Engineers would reevaluate the descriptions and valuations of the Hart appraisal and correct any errors. Frank Ducheneaux then suggested that a conference be held on Cheyenne River on April 15 to resolve the appraisal differences and to discuss other topics related to the contract negotiations. In a memorandum to Ducheneaux later that day, General Pick confirmed the date for the Cheyenne River conference and expressed the hope that the final contract negotiations could be started no later than September 15.¹²

Because of severe rains which caused flood conditions on the Missouri River during April, the negotiating parties found it impossible to meet during that month and the date of the conference was changed to May 13. On that date representatives of the Corps of Engineers, the Department of the Interior, and MRBI personnel met with the Tribal Negotiating Committee at Cheyenne Agency. At this meeting it soon became

¹²Tribal Council Report on H.R. 2233, 83d Cong., 1st sess., 99 Cong. Rec. 647 (1953). Memorandum from Lewis A. Pick, Lt. General, Chief of Engineers, to Frank Ducheneaux, Chairman, Negotiating Committee of Cheyenne River Sioux Tribal Council, Washington, D.C., January 11, 1952, CRSTC Files.

apparent that each of the three parties to the proposed contract had arrived at a different description and valuation for the land, improvements, timber, and severance damages within the taking area. Despite the promises of General Pick, the Corps of Engineers still maintained that the Hart appraisal was correct. The MRBI personnel then revealed that they had found a number of errors in the Hart appraisal though not as many as claimed by the tribal negotiators. Because it appeared physically impossible to adjust the differences between the appraisals, the negotiators suggested that a reexamination of the entire subject be undertaken. In order to accomplish this task, the conference members appointed a six-man Reviewing Committee. This committee was instructed to make a classification and description of all the land on Cheyenne River within the Oahe taking area, to classify, describe, and place a monetary value on all of the land and other property that had been omitted by the Hart appraisal, and to review all of the appraisals that had been protested by members of the tribe. The MRBI staff also decided to supplement the work of the Reviewing Committee by conducting their own separate appraisal.¹³

Public Law 870 had provided that a final contract with the Cheyenne River Sioux was to have been negotiated and submitted to Congress within eighteen months after the law had been enacted, which was September 30, 1950.¹⁴ By the time the negotiating conferences were held

¹³Tribal Council Report on H.R. 2233, Ibid. MRBI Rep. No. 132, Cheyenne River Property Appraisal, pp. 1-4. Summarization of Conferences, May 13-14, 1952, Cheyenne Agency, South Dakota, Renegotiation with the Cheyenne River Sioux Tribe under Public Law 870, 81st Cong., CRSTC Files.

¹⁴The Oahe Act of 1950, 64 Stat. 1095, sec. 5 (1950).

at Cheyenne Agency in May, 1952, the time limits of the law had already been exceeded and nearly fourteen months of negotiation and research had failed to bring an agreement on the land appraisal, which was only the first order of business in the contract negotiations. Because it was obvious that the law had not allowed enough time for negotiation, the Tribal Negotiating Committee asked Congress to extend the time limits of the act. Accepting this request, Congress passed an amendment to the original law which extended the contract deadline to January 31, 1953.¹⁵ At a conference in Omaha on August 5, the negotiators further agreed that final contract negotiations would begin in Washington on November 10 and continue for as long as was necessary to reach a final contract settlement. Acting on this Omaha agreement, the Reviewing Committee and the MRBI staff gathered together to coordinate and settle their appraisals.¹⁶

In September, 1952, the Reviewing Committee-MRBI appraisal was completed and published as MRBI Report No. 132. According to this new appraisal, the fair market value of the total Oahe damages on Cheyenne River was found to be \$2,053,117, an increase of \$447,707 over the Hart appraisal (See Table 1, p. 108). Part of this difference was a result of the increase in the total amount of land found within the taking area. The MRBI report estimated that 104,420 acres of Indian land would be flooded whereas the Hart appraisal had been based on 102,847 acres. But

¹⁵Act of April 8, 1952, Statutes at Large, LXVI, 46-47 (1952).

¹⁶Tribal Council Report on H.R. 2233, 83d Cong., 1st sess., 99 Cong. Rec. 648 (1953).

the new appraisal had also increased the total land value from \$1,243,516, which was the Hart appraisal, to \$1,590,574. This amount represented an average price per acre of approximately \$15, which was \$3 per acre more than the Hart appraisal. As soon as the MRBI report was published, the Tribal Negotiating Committee began checking it for errors and they also set to work to complete their own contract demands.¹⁷

On November 10 the Tribal Negotiating Committee met once again in General Pick's office in Washington to organize procedures for the final contract negotiations. The negotiators agreed that the conference would take place in the hearing room of the Secretary of the Interior and on November 12 they gathered there to begin their last round of talks. Despite General Pick's earlier assurances that the Army would make adjustments in the Hart appraisal and despite the fact that the MRBI-Reviewing Committee appraisal had discovered a 1573 acre error in the Hart firm's land description, the Corps of Engineers again announced that the original appraisal of \$1,605,410 represented their official offer. The \$2,053,117 appraisal of the MRBI-Reviewing Committee study was then presented as the official offer of the Department of the Interior. However, the tribal negotiators had not yet had the floor. Rising to speak, Frank Ducheneaux announced that the Tribal Negotiating Committee had found errors in both of the appraisals and that they would present a final and complete draft of their own contract proposals on November 14. On that date the tribal negotiators presented the Corps of

¹⁷MRBI Rep. No. 132, Cheyenne River Property Appraisal, p. 3.

Engineers and the Department of the Interior representatives with copies of their proposed contract which included the results of the tribal appraisal. The government representatives, however, were not willing to discuss the merits of the proposed contract since they felt they should have more time to study the tribal requests and they asked that the conference again be adjourned until November 17.¹⁸

The contract proposed by the Tribal Negotiating Committee included a number of provisions which would guarantee certain rights, privileges, and benefits to the Cheyenne River Sioux in regard to the Oahe project. The Indians also asked for a cash settlement of over \$23,500,000. Of this amount, \$2,614,779 represented the tribal appraisal of the land, improvements, timber, and severance damages within the Oahe taking area, \$8,316,092 was the appraised value of what the tribal negotiators termed "tangible future damages" including the loss of grazing permit revenues, and the future value of the timber, wildlife, wild fruits, and other resources, and \$12,599,432 was requested to establish a rehabilitation program for the entire tribe. In regard to the land and property appraisal, the tribal negotiators had arrived at the figure of \$2,614,779 after carefully reviewing all of the resource data used for the other appraisals and recording the errors that were found (See Table 1, p. 108). Their final appraised value was more than \$1,000,000 higher than the Hart appraisal and was also more than \$500,000

¹⁸Tribal Council Report on H.R. 2233, 83d Cong., 1st sess., 99 Cong. Rec. 648 (1953). Agenda for Cheyenne River Negotiating Conference, Washington, D.C., November 10, 1952, Cheyenne River Sioux Tribal Records.

above the MRBI-Reviewing Committee report. Considered separately, the total land value arrived at by the Tribal Negotiating Committee was \$1,940,222 or approximately \$18.50 per acre.¹⁹

The Tribal Negotiating Committee felt that their request for \$8,316,092 in tangible future damages was based on a reasonable premise. Since the tribe as a whole would suffer as a result of the loss of the land, timber, wildlife, and wild product resources within the taking area, the tribal negotiators felt that the entire tribe and not just individual land owners should be compensated for this loss. They also felt that this compensation should include a payment for the future as well as the present value of these severance damages. Of the total amount they requested, \$1,857,500 was for the loss of the future value of the wildlife and wild fruit resources, \$2,444,125 was for the future value of the timber, and \$4,014,467 was for the future loss of grazing revenues.²⁰

The tribal committee's boldest request was for \$12,599,482 to establish a tribal rehabilitation program. Public Law 870 had provided that the final settlement with the Cheyenne River Sioux would pay the

¹⁹Criteria for Negotiations, Cheyenne River Sioux Negotiating Committee, Washington, D.C., November 14, 1952, CRSTC Files (Hereinafter referred to as Tribal Negotiating Criteria, Nov. 14, 1952.); U.S., Congress, House, Committee on Interior and Insular Affairs, Providing for the Acquisition of Lands by the United States Required for the Reservoir created by the Construction of Oahe Dam on the Missouri River and for Rehabilitation of the Indians of the Cheyenne River Sioux Reservation, S. Dak., H.R. Rep. 2484, 83d Cong., 2d sess., 1954, pp. 3-8. (Hereinafter referred to as H.R. Rep. 2484, Acquisition of Cheyenne River Lands.)

²⁰Ibid.

costs of "reestablishing the tribe. . .so that their economic, social, religious, and community life can be reestablished and protected."²¹

Interpreting this provision broadly and recognizing that Congress had provided additional funds to the Fort Berthold Indians for this purpose in 1949, the tribal negotiators once again based their claim on the fact that the entire tribe would suffer as a result of the Oahe project. According to their own estimate, 200 Indian families would be directly affected by the project and another 581 families would suffer as a result of the loss of tribal resources, the disruption of activities and services on the reservation, and the fact that the moving of their relatives and neighbors from the bottomlands would cause further crowding on the already marginal reservation land. As a result, they felt that a general rehabilitation program for all members of the tribe should be part of the final compensation in order to bring the entire reservation up to a common level of decency. In view of the termination policies being discussed in Washington, the tribal negotiators reasoned that the federal government might be willing to offer them a settlement which would permit them to make a giant step toward self-sufficiency.²²

Based on a report that had been prepared by the MRBI staff in June, 1951,²³ the tribal committee had prepared their own resume of the social and economic conditions on the reservation including such

²¹The Oahe Act of 1950, 64 Stat. 1095, sec. 2 (b) (1950).

²²Tribal Negotiating Criteria, Nov. 14, 1952.

²³U.S., Department of the Interior, Bureau of Indian Affairs, Socio-Economic Report and Costs of Removal from Oahe Taking Area, Cheyenne River Reservation, South Dakota, MRBI Rep. No. 117 (Billings: Missouri River Basin Investigations Project, 1951), pp. 1-52.

items as housing, domestic water supply, annual cash income, and non-cash subsistence values. The amount requested by the Tribal Negotiating Committee for rehabilitation was their estimate of how much it would cost to accomplish all that was required according to the MRBI report and their own resume. This estimate was broken down as follows:

Repayment Cattle Program	\$3,288,000
Domestic Water Supply	600,000
Farm Program	210,000
Land Purchase Program	1,000,000
Industrial Assistance Program	297,500
Rehabilitation Housing Program	1,000,000
Rehabilitation Road Program	2,153,932
Educational Loan Program	500,000
Tribal Welfare Program	2,800,000
Business Enterprise Program	750,000
TOTAL	\$12,599,432

In addition to these requests for monetary compensation, the contract proposed by the Tribal Negotiating Committee also specified a number of other provisions which the Indians wanted to include in the final settlement. They requested that the costs of relocating and re-establishing the Indian cemeteries, monuments, and shrines as well as the reconstruction of facilities within the taking area such as roads, bridges, schools, and administrative buildings be charged against the funds appropriated for the Oahe project and not against any settlement funds paid to the tribe. In regard to the relocation and reconstruction of facilities, the tribal negotiators requested that the Tribal Council be given exclusive jurisdiction over these matters and they demanded that the facilities "be restored to a condition not less advantageous

than the condition they are now in." They asked that the Indians be permitted to retain all mineral rights within the reservoir area, that they be given a reasonable amount of time in which to salvage timber and improvements on their land prior to inundation, and that they be permitted to reside within the reservoir area and make use of their land until the gates of the Oahe Dam were closed.²⁵

Once the gates were closed, the tribal committee asked that the tribal members be permitted to retain grazing rights along the shoreline, that they be given free access to the shoreline and reservoir for hunting and fishing, and that they be allowed to establish boat ramps, resorts, and other recreational facilities along the reservoir. In regard to grazing along the shoreline, they also declared that the federal government should be held responsible for any hazards caused to Indian livestock as a result of the fluctuation of the water level of the Oahe Reservoir. These shoreline provisions were very important to the tribal negotiators because the rights they requested had been denied the Fort Berthold Indians in their settlement in 1949. From the outset the members of the tribal committee had agreed that they would not accept any settlement which did not guarantee these shoreline rights. Regarding the Oahe Dam itself, the tribal negotiators also requested that a 20,000 kilowatt block of the hydroelectric power plant output be provided at a low cost for the exclusive use of the Cheyenne River Sioux. This too had been requested by the Fort Berthold Indians and denied in 1949.²⁶

²⁵Ibid.

²⁶Ibid.

The proposed contract of the Tribal Negotiating Committee also contained a number of provisions which had been designed to protect the settlement funds of the tribe once they were appropriated. The Indians wanted their money to be deposited in the U.S. Treasury and to draw interest at the rate of 5 per cent per annum until expended by the tribe. The negotiators maintained that the Tribal Council should have exclusive control over the distribution and expenditure of all contract funds and that individual tribal members should receive credit rather than cash for their property so that the use of the settlement funds for the purchase of substitute land would be guaranteed. They also asked that the funds paid to them be tax exempt, that they be prohibited from being used for the employment of administrative personnel to carry out the contract, and that they not be allowed to be encumbered for any liens or debts except those against the tribal or federal government. The Bureau of Indian Affairs was requested to help tribal members conserve and reinvest the money they would receive for their land. A provision was also included to guarantee that nothing in the contract would interfere with the financial benefits the tribe was already receiving under the Indian Reorganization Act of 1934. Another provision requested that the Tribal Council be reimbursed up to \$100,000 for the expenses it had incurred in connection with the contract negotiations.²⁷

Regarding the land problems associated with the Oahe project, the federal government was requested to assist the Indians in finding new land. Despite the heirship problems associated with trust lands, the tribal negotiators requested that all new lands purchased, both inside

²⁷Ibid.

and outside of the reservation, come under federal trust status. While this request seemed to run counter to the intentions of the tribal land consolidation program, the tribal negotiators were apparently more interested in protecting the new land from alienation and taxes than they were from fractionation. They requested further that the holders of land exchange assignments be regarded as owners of trust land so that they could be given title to their holdings and that the owners of inherited lands be permitted to consolidate their interests as they wished. They asked that all unsold lands once opened to homestead entry or sale be restored to tribal ownership. Regarding the right of individual tribal members to reject the appraisal of their land and property and to ask for a final settlement in U.S. District Court, the tribal committee requested that attorneys be provided for these individuals and that all legal fees be paid by the federal government. Finally, the tribal negotiators asked that the Department of the Interior provide new surveying markers at all section and quarter section corners on the reservation in order to facilitate the relocation program, that it undertake reforestation and the development of coal resources to replace the fuel supply that would be lost as a result of the flooding of the timber lands, and that it investigate and develop potential irrigation projects on the reservation.²⁸

On November 17 the negotiating conference reconvened to discuss the Tribal Negotiating Committee's contract proposals. Growing increasingly impatient with the course of the negotiations, the

²⁸Ibid.

representatives of the Corps of Engineers declared that they would make their final offer to the tribe on November 21. In the meantime, the Corps of Engineers finally decided to make a review of the three appraisals to determine if a higher payment could be justified. This review resulted in a total appraisal figure of approximately \$1,725,531, which was only slight more than \$100,000 above the Hart appraisal (See Table 1, page 108). In view of their experience at the negotiating conference up to then, the Corps of Engineers representatives knew that the Tribal Negotiating Committee would not accept this new appraisal, especially since it was still \$300,000 less than the Department of Interior offer. In an attempt to reconcile the differences between the two government appraisals, Major General G. J. Nold, representing the Chief of Engineers, authorized the Army negotiators to make a final offer of \$2,000,000.²⁹

The Tribal Negotiating Committee, after considering the Army offer, asked for additional time to prepare a counter offer. On November 26 they submitted a counter offer of \$2,500,000 with the stipulation that if the Corps of Engineers failed to accept this compromise figure it would not prevent the tribal negotiators from returning to their original request of \$2,614,779.³⁰ General Nold told

²⁹Tribal Council Report on H.R. 2233, 83d Cong., 1st sess., 99 Cong. Rec. 648 (1953); "Statement of Representative of the Chief of Engineers Submitted to the Chairman of the Tribal Negotiating Committee of the Sioux Indians of the Cheyenne River Reservation and the Representative of the Secretary of the Interior at a Meeting on November 24, 1952 at Washington, D.C."; CRSTC Files.

³⁰"Statement of the Tribal Negotiating Committee of the Cheyenne River Sioux Tribal Council Submitted to the Negotiators under Public Law 870 on November 29, 1952, Washington, D.C., CRSTC Files.

TABLE 1
ANALYSIS OF REPORTS, CHEYENNE RIVER TAKING AREA

Item	Hart		MRBI		Tribe value	OCE Review	
	Acres	Value	Acres	Value		Acres	Value
Cropland	1,133	\$ 22,146	403	\$ 15,750	\$ 13,200.00	403	\$ 7,874.62
Meadow	7,029	121,887	12,360	285,021	323,091.00	12,360	214,332.40
Sheltered pasture	10,732	156,694	12,412	192,802	200,049.76	12,412	181,463.44
Grazing land	82,354	932,889	75,087	1,075,908	1,359,529.65	75,087	852,247.45
River wash	1,599	9,900	3,515	21,093	16,731.12	3,515	21,757.85
River bed		0	643	0		643	0
Irrigation potential					27,622.30		
Total land	102,847.23	1,243,516	104,420	1,590,574	1,940,223.83	104,420	1,277,665.76
Severance		19,974		38,570	40,303.74		40,303.74
Improvements (except hospital)		281,180		342,485	326,073.05		326,073.05
Timber		60,740		81,488	308,178.33		81,488.00
Grand total		1,605,410		2,053,117	2,614,778.95		1,725,530.55

Source: U.S., Congress, House, Report of Tribal Council of the Cheyenne River Sioux Reservation, S. Dak. on H.R. 2233, 83d Cong., 1st sess., January 29, 1953, Congressional Record, XCIX, 648.

the Indians that their new offer was unacceptable. The representatives of the Department of the Interior declined to make another offer and once again the matter stood in disagreement. General Nold then asked the tribal negotiators if they wished to discuss the other provisions of their proposed contract. Frank Ducheneaux replied that since it was evident that an agreement could not be reached on the appraised values, he considered it useless to discuss the other provisions of the proposed contract. The stalemate could not be broken. After a moment of silence, a representative of the Secretary of the Interior made a motion to adjourn the conference, it was quickly seconded, and the tribal negotiators walked out of the hearing room. As Lloyd Le Beau later recalled, "the tribe just couldn't deal with the Corps of Engineers at all."³¹

Following the breakdown of the Washington Negotiating Conference, the Tribal Negotiating Committee planned a strategy for getting their proposed contract through Congress. Public Law 870 had provided that if the negotiators could not reach agreement on a final contract settlement, the provisions not agreed upon should be submitted to Congress for final determination.³² Since the conference had not been able to agree on any of the contract provisions, the tribal representatives asked the members of the South Dakota Congressional delegation to submit a bill in Congress which would include all of the tribal contract provisions. After considering this request, Senator Francis Case and Representatives E. Y. Berry advised the Indians to scale down some of

³¹Tribal Council Report on H.R. 2233, 83d Cong., 1st sess., 99 Cong. Rec. 649 (1953); Lloyd Le Beau, interview.

their compensation demands and to omit some of their contract proposals. Following this advice, the tribal negotiators trimmed their requests for tangible future damages from \$8,316,092 to \$6,871,467 and cut their rehabilitation request from \$12,599,432 to \$12,289,432. They agreed to omit their request for a block of the hydroelectric power of the Oahe Dam after they were advised that Congress would never consider such a demand since it had already determined in regard to the Fort Berthold settlement that such a request would violate the provisions of the Rural Electrification Act of 1936. The Tribal Negotiating Committee also withdrew their requests concerning the tax exempt status of the settlement funds, the prohibition against the employment of administrative personnel out of these funds, the restoration of unclaimed homestead lands to tribal ownership, the replacement of the fuel supply and surveying markers by the Department of the Interior, and the exclusive right to establish resorts and recreational facilities along the Oahe shoreline.³³

On January 29, 1953, Congressman E. Y. Berry introduced a bill in the House of Representatives which asked for \$21,675,678 in compensation for the Cheyenne River Sioux in regard to the Oahe project.³⁴ This bill,

³²The Oahe Act of 1950, 64 Stat. 1095, sec. 5(b) (1950).

³³H.R. Rep. 2484, Acquisition of Cheyenne River Lands, pp. 1-2, 6-8.; Frank Ducheneaux, interviews.

³⁴U.S., Congress, House, A Bill to Provide for the Acquisition of Lands by the United States for the Reservoir Created by the Construction of the Oahe Dam on the Missouri River and for the Rehabilitation of the Indians of Cheyenne River Sioux Reservation, S. Dak., and for other Purposes, H.R. 2233, 83d Cong., 1st sess., 1953.

H.R. 2233, also included all of those provisions of the tribal contract that had not been previously withdrawn. Berry, a Republican, considered himself a neighbor of the Cheyenne River Sioux since he lived in Mc Laughlin, South Dakota, a small white community just north of the reservation near the North Dakota border. Before he had been elected to Congress in 1950, Berry had been a judge in Corson County, a state senator, and a member of the South Dakota Board of Regents and the Missouri River States Commission. He was also the editor-publisher of the Mc Laughlin Messenger in Mc Laughlin and the Corson County News in McIntosh, South Dakota. In view of their past dealings with this man, the tribal members of the Cheyenne River Reservation considered him to be hostile to their interests. They resented his paternalistic attitude toward them and they felt that he lived too close to the reservation and was too influenced by the white ranchers in the region to be objective about the problems of the Cheyenne River Sioux. His membership on the House Subcommittee on Indian Affairs was considered a "liability" by the tribal negotiators and they also felt that he was unduly influenced by Senator Arthur V. Watkins of Utah, the chairman of the Senate Subcommittee on Indian Affairs, who was considered by several tribal groups to be "an Indian hater."³⁵

After being introduced in the House, the Berry bill was referred to the Committee on Interior and Insular Affairs which was under the chairmanship of Representative A. L. Miller of Nebraska. On March 12,

³⁵Frank Ducheneaux, Ellen Ducheneaux, interviews; U.S., Congress, Congressional Directory, 83d Cong., 2d sess., (Washington, D.C.: Government Printing Office, 1954), pp. 131-32.

1953, Secretary of the Army Robert T. Stevens sent to Chairman Miller the Corps of Engineers recommendations concerning the Berry bill. These recommendations revealed that the Corps was not willing to offer very much compensation to the Indians and that it considered the tribal requests to be extravagant. While the Corps was willing to pay the Indians \$2,000,000 for their property, plus up to 25 per cent of that amount for relocation expenses, and whatever else could be squeezed out of the Bureau of Indian Affairs or the Oahe project funds, it was evident from the Army recommendations that it clearly felt that the Cheyenne River Sioux were not entitled to any further compensation or benefits, including the shoreline provisions.³⁶

Throughout the remainder of 1953 and during the first few months of 1954, lengthy hearings were held on the Berry bill before a Joint Subcommittee on Indian Affairs and later before the House Subcommittee on Indian Affairs.³⁷ Frank Ducheneaux recalled that the tribal negotiators quickly learned two important lessons in dealing with Congress as a result of these hearings. The first lesson was that to accomplish anything in Washington the tribal committee had to pay for their own expenses since the Bureau of Indian Affairs would only pay for visits of up to five days and that was not a long enough period for the Indians to "cut through the white tape."³⁸ But the tribe did keep

³⁶Letter from Robert T. Stevens, Secretary of the Army, to the Honorable A. L. Miller, Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C., March 12, 1953; H.R. Rep. 2484, Acquisition of Cheyenne River Lands, pp. 9-11.

³⁷The actual proceedings of these hearings were not available for this study.

³⁸Frank Ducheneaux, interviews.

a close account of their expenses since it was expected that they would be reimbursed for them out of the final Oahe settlement. The other lesson was that the members of Congress wanted to talk to "real Indians" and they were much happier when they were being addressed by stereotypic full-bloods in feathered headdress and beaded regalia than when they had to deal with less typical looking Indians such as Frank Ducheneaux, who wore business suits, smoked cigars, and talked like lawyers. In order to satisfy this Congressional whim, the tribal negotiators decided that John Little Cloud would speak in Sioux at the hearings and that Alex Chasing Hawk would then translate Little Cloud's remarks into broken English, even though both men could speak perfectly good English. The Congressmen were delighted. But while the tribal negotiators succeeded in putting on a good show at the hearings, they were not as successful at getting the men in Washington to approve their requests for compensation. They were repeatedly asked to scale down their request for tangible future damages and to cut the costs of the rehabilitation program.³⁹

On March 18, 1954, Assistant Secretary of the Interior Orme Lewis sent to Representative A. L. Miller of the House Committee on Interior and Insular Affairs the Department of the Interior's recommendations on the Berry bill. This report recommended the passage of the bill but suggested several important amendments, including the reduction of both the total payment and interest rate of the final

³⁹ Frank Ducheneaux, interviews.

settlement.⁴⁰

By the time the House Subcommittee on Indian Affairs had completed its hearings on the Berry bill in the spring of 1954, the Tribal Negotiating Committee had agreed to cut its request for tangible future damages from \$6,871,467 to \$3,973,076 and to slash the costs of the rehabilitation program from \$12,289,432 to \$6,044,500. These amounts were then recommended along with certain other amendments in the Committee on Interior and Insular Affairs' report on the Berry bill which was submitted to the House of Representatives on July 23. During the eighteen month period that the bill had been considered by this committee, the total amount of compensation had been reduced from \$21,675,678 to \$12,732,354. The committee had also attached a number of amendments to the original bill although most of the other provisions requested by the tribal negotiators had been left intact. Following the recommendation of the Department of the Interior, the interest rate on the settlement funds was cut from five per cent to four per cent per annum and the Secretary of the Interior and not the Tribal Council was given final authority over the relocation of facilities and the disbursement and expenditure of all settlement funds. While the committee did not alter the tribal request to have all substitute lands within the reservation come under federal trust status, it did provide that substitute lands purchased outside of the reservation would keep their existing status in regard to taxation. In other words, these lands

⁴⁰Letter from Orme Lewis, Assistant Secretary of the Interior, to the Honorable A. L. Miller, Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C., March 18, 1954; H.R. Rep. 2484, Acquisition of Cheyenne River Lands, pp. 12-14.

would be held by Indian owners under a fee patent.⁴¹

Following the recommendations of the Department of the Army, an amendment was included to authorize the Corps of Engineers to give public notice of the closing of the Oahe Dam one year in advance so that the Indians could remove themselves and their property from the taking area. This amendment also provided that after the expiration of that one year period the United States government would no longer be held liable for the loss of life or property within the taking area. The committee also included an amendment which established the procedure to be followed by those Indians who rejected the appraisal of their property and wished to have final determination made in U. S. District Court. While the tribal negotiators had requested that the government pay the court costs and attorneys fees for these individuals, the committee amendment required that the Indians pay for own legal counsel. Before a case could be heard, however, the Tribal Council would be required to deposit with the court an amount equal to the appraised value of the property in question. This money was then to be used to pay part or all of the final judgment. If the final amount was more than the original appraisal, the government was authorized to make up the difference out of Oahe settlement funds. The committee apparently felt that this amendment would have the effect of both discouraging future litigation and protecting the government from any further payment. In regard to the request of the Tribal Negotiating Committee for \$100,000 to offset tribal expenses resulting from the settlement nego-

⁴¹H.R. Rep. 2484, Ibid., pp. 6-8.

tiations, the committee also included a provision that not more than \$50,000 of that amount could be used for attorneys' fees.⁴²

On August 3 the Berry bill as amended by the Committee on Interior and Insular Affairs was voted on in the House of Representatives. In his final remarks prior to the voting, Representative Berry urged his colleagues to pass the legislation he had proposed as a step toward eventual termination:

As an illustration of the good intention and desire of the Indian people to work out this program and to get the greatest results, they have asked that these funds be earmarked for these various purposes and be used for those purposes as nearly as possible. The Tribal Council of the reservation has spent many, many hours in working and planning and studying to bring before this Congress the most efficient program possible. I hope that this Congress will see fit to go along with them and to help get them in shape, financially, and economically, and intellectually, so that they, too, may be able to get out from under the yoke of the Indian Department before too long.⁴³

The Berry bill was passed by the House and referred to the Senate Committee on Interior and Insular Affairs, chaired by Senator Arthur V. Watkins of Utah. While it had taken nearly a year and a half for the House Committee to deliberate on the Berry bill, the Senate Committee took only two weeks to make its legislative recommendations. Following the suggestion of the Department of the Interior, the Senate Committee reduced the amount of compensation for the land, improvements, timber, and severance damages from \$2,614,779 to \$2,250,000, the amount of the revised MRBI appraisal. The Secretary of the Interior and not the

⁴²Ibid.

⁴³U.S., Congress, House, Representative E. Y. Berry speaking on H.R. 2233, 83d Cong., 2d sess., August 3, 1954, Congressional Record, C, 13160.

Tribal Council was given the final responsibility for the distribution of these funds. The amount of tangible future damages was cut from the \$3,973,076 figure recommended by the House to \$3,134,014. The rehabilitation program was further reduced from \$6,044,500 to \$5,160,000. This represented an overall reduction of \$2,088,341 or from \$12,732,355 to \$10,644,014. Except for a few minor word changes the Senate Committee made no further amendments to the Berry bill and it was reported on the floor of the Senate on August 17.⁴⁴ The next day the bill passed the Senate as amended and on August 19 the House concurred with the Senate amendments.⁴⁵ On August 20, the bill proposed by Representative Berry for the compensation of the Cheyenne River Sioux in regard to the Oahe Dam project became Public Law 776 with the signature of President Dwight D. Eisenhower.⁴⁶

The initial reaction of the Tribal Negotiating Committee to the final settlement was keen disappointment. For forty-five days prior to signing of the bill into law these men had attended hearings, conferences, and the sessions of Congress nearly every day and they felt both tired and defeated. They had spent nearly four years negotiating a settlement. While they could find some consolation in the fact that

⁴⁴U.S., Congress, Senate, Committee on Interior and Insular Affairs, Providing for the Acquisition of Lands by the United States Required for the Reservoir Created by the Construction of Oahe Dam on the Missouri River and for Rehabilitation of the Indians of the Cheyenne River Sioux Reservation, S. Dak., S. Rep. 2489, 83d Cong., 2d sess., 1954, pp. 1-2.

⁴⁵U.S., Congress, Senate and House, Senate approves H.R. 2233 as amended, House concurs, 83d Cong., 2d sess., August 18-19, 1954, Congressional Record, C, 14979, 15229.

⁴⁶Act of September 3, 1954, Statutes at Large, LXVIII, 1191 (1954). (Hereinafter referred to as The Oahe Act of 1954, 68 Stat. 1191 (1954)).

Congress had approved most of their requests, they were not happy about the fact that they had received nearly \$13,000,000 less than the amount they had originally sought. In their fatigue and frustration the tribal negotiators thought about continuing their fight by urging the members of the tribe to reject the settlement. But Ralph Case advised against this move. He reminded the tribal negotiators that if the Cheyenne River Sioux refused to ratify the final settlement they might ultimately have to settle for condemnation, in which case they would receive only the amount offered by the Corps of Engineers.⁴⁷ Despite a provision in Public Law 776 which stipulated that it would be "the final and complete settlement of all claims, rights, and demands. . . arising out of the construction of the Oahe project,"⁴⁸ Case told the tribal representatives that they could best carry on their fight by asking for amendatory legislation from Congress. Although the Cheyenne River Sioux finally decided to follow this advice, the future would prove Case wrong. Over the span of the next several years the repeated attempts of the tribe to gain additional compensation and benefits from Congress all proved unsuccessful.⁴⁹

Reflecting several years later on the nature of the negotiations and the terms of the final settlement, many of the tribal negotiators felt that they could have received a better deal from a Democratic Congress. For this reason, they regretted the fact that they were not

⁴⁷ Frank Ducheneaux, Ellen Ducheneaux, Lloyd Le Beau, interviews.

⁴⁸ The Oahe Act of 1954, 68 Stat. 1191 (1954).

⁴⁹ Frank Ducheneaux, Ellen Ducheneaux, Lloyd Le Beau, interviews.

able to continue the negotiations for at least another year. They also regretted that they had not had more experience in dealing with Congressmen and other government officials. Although immediately following the final settlement the tribal negotiators still felt hostile toward the representatives of the Corps of Engineers and, to a lesser degree, the Department of the Interior, they generally felt that most of the Congressmen they dealt with were willing to listen to any of the tribal demands that were within reason. Later they realized that these men too had not always been completely candid and that they should have been more insightful in dealing with them. As for their own representation, the Cheyenne River Sioux came to realize that they had simply been "outgunned." Seven reservation Indians and one white lawyer had seemingly had to defend their case before all of the lieutenants of officialdom and their bureaucratic regiments. While several of the tribal members felt that Ralph Case had been too inclined "to go along with the boys" in Washington, Frank Ducheneaux realized and appreciated the tremendous odds Case had had to face. As the only tribal attorney he had often had to work against dozens of government lawyers.⁵⁰

Despite the bitter feelings of the tribal negotiators, they had succeeded in obtaining one of the highest cash per acre settlements of any Indian tribe up to that time. They had also negotiated a much better settlement than the Fort Berthold Indians had in 1949. Public Law 776 had provided the Cheyenne River Sioux with a cash settlement of \$10,644,014 and the guarantee that the costs of relocating and re-

⁵⁰ Ibid.

establishing the cemeteries, schools, administrative buildings, and other facilities would be taken out of the Corps of Engineers appropriation for the Oahe project. The law also stipulated that "the economic, social, religious, and community life of all said Indians shall be restored to a condition not less advantageous to said Indians than the condition said Indians are now in." The Cheyenne River Sioux were permitted to retain mineral rights within the taking area, salvage rights and the right to remain on the land and use it until the gates of the dam were closed, and grazing, hunting, and fishing rights along the shoreline of the reservoir, subject to federal regulations. The law also granted their request to have the federal government take responsibility for all hazards to Indian livestock created by the reservoir, to have substitute lands purchased within the reservation come under federal trust status, to permit the holders of inherited lands to consolidate their interests as they saw fit, and to have the Tribal Council reimbursed up to \$100,000 for its negotiating expenses. The tribal members were promised that the federal government would aid them in finding new land and in relocating and reestablishing them on that land. The law also guaranteed that no part of the settlement funds would be used to offset or counter any previous tribal claim against the government or interfere with any benefits the tribe already received under previous treaties, laws, or executive orders, including the Indian Reorganization Act of 1934. Despite all of these provisions, however, the Oahe settlement would be most remembered by the Cheyenne River Sioux for what it did not give to them.⁵¹

⁵¹ The Oahe Act of 1954, 68 Stat. 1191 (1954).

During the period between the Washington Negotiating Conference of November, 1952 and the signing of the final Oahe settlement in August, 1954, a number of the provisions and requests of the Tribal Negotiating Committee's proposed contract had been either altered or eliminated. The amount requested for the rehabilitation program had been cut by more than \$7,400,000, the tangible future damages by nearly \$5,200,000, and the tribal land appraisal by nearly \$365,000. The interest rate on the settlement funds had been reduced by one per cent. The provisions for tax exemptions had been eliminated as had the prohibition against hiring administrative personnel with funds from the final settlement. The requests to have a block of the hydroelectric power of the Oahe Dam, to have the exclusive right to establish recreational facilities along the reservoir shoreline, and to have all undisposed of homestead lands returned to tribal ownership had also been withdrawn. The Secretary of the Interior, and not the Tribal Council, had been given final authority over the disbursement and expenditure of all settlement funds including those designated for the tribal rehabilitation program. Substitute lands purchased outside the reservation had been denied federal trust status. Tribal members who rejected the appraisal of their property had been denied free legal representation in court and had been discouraged by the elaborate procedures established for these cases. The Cheyenne River Sioux had also been denied their requests to have the Department of the Interior establish programs to assist individual Indians with their financial problems and to develop fuel resources, surveying markers, and irrigation projects on

the reservation. In addition to having these requests and provisions denied, the federal government had placed certain restrictions on the rights and privileges that had been granted to the tribe. The mineral rights, for example, had been made subject "to all reasonable regulations which may be imposed by the Corps of Engineers." Hunting, fishing, and grazing rights had been made subject to "regulations governing the corresponding use by other citizens of the United States" of the land along the reservoir. Salvage rights had also been made subject to Corps of Engineers regulations and the final settlement had provided that all timber within the taking area would have to be salvaged within six months after the Corps gave its one year public notice of the closing of the dam gates.⁵²

In late December, 1954, the Cheyenne River Sioux were asked to vote on whether or not they wanted to accept the final settlement offered by the Eighty-Third Congress for the Oahe lands. Ballots were distributed to approximately 2400 Indians and they were asked to return them by January 5, 1955. Frank Ducheneaux urged the tribal members to vote for acceptance and he reminded them how important it was to return their ballots since a three-quarter vote of the adult tribal enrollment would be necessary for ratification and since all ballots not returned would be counted as a "no" vote. By mid-January the votes were in and

⁵² Ibid. The restrictions placed on the mineral rights meant that the Corps of Engineers might conceivably prohibit the extraction of tribal mineral resources if it could find justification to do so in its own regulations. The restrictions on the shoreline rights also meant that agencies such as the Corps of Engineers and the Bureau of Outdoor Recreation would govern the Indians in their use of the reservoir and shoreline and that non-Indians would be able to have the same shoreline rights even within the reservation.

approximately 92 per cent of the eligible tribal members had voted to accept the provisions of Public Law 776.⁵³

⁵³ Eagle Butte News, December 24, 1954, January 14, 1955.

CHAPTER V

THE AFTERMATH:

RELOCATION AND REHABILITATION

After the Cheyenne River Sioux ratified Public Law 776, a comprehensive program for the expenditure of the appropriated funds was developed by the Tribal Council and approved by the Secretary of the Interior. This program provided for the equal division of responsibilities and authority between the Tribal Council and the Bureau of Indian Affairs. The BIA was given the responsibility of reestablishing Cheyenne Agency, of appraising land and contacting property owners regarding these approvals, of arranging for all land transactions, and of making recommendations concerning the program as requested by the Tribal Council. While the Secretary of the Interior was given final authority over all of the funds provided by Public Law 776, the Tribal Council was given complete authority for initiating the Rehabilitation Program and administering it once it was approved by the Secretary. The Council was responsible for programming and spending the funds and supervising the overall details of the program. The BIA had no authority to supervise the Rehabilitation Program or to maintain compliance with any of the other expenditure programs provided for by Public Law 776 unless charges of mismanagement were brought against the Tribe or the Tribal Council requested assistance. As Frank Ducheneaux explained, "this represented the first time that the BIA and a Tribe were put on equal footing in such a program. One could not move without the other,

and this established a precedent in tribal authority."¹

Once the expenditure program prepared by the Tribal Council had received the approval of the Secretary of the Interior, MRBI representatives began contacting those tribal members who owned property within the taking area. Each of these Indians were advised of the appraised value of their property and of their rights under Public Law 776. They were also requested to indicate whether or not they wanted to accept the appraised value as final payment. There were 434 individuals who either owned or had an heirship interest in property within the taking area and the total value of their properties was appraised at \$1,161,418, or an average of \$2,676 each. In addition, the tribal property within the taking area was valued at \$1,088,582. Because the Tribal Council had not been satisfied with the payment offered by the MRBI appraisers to those individuals who owned timber within the taking area, it authorized an additional payment of \$238,404 to these individuals. The MRBI appraisal of the timber had been based on the commercial stumpage value only. The Council felt that the appraisal should also reflect the utility value of the timber as used by the tribal members for construction needs, fencing, and firewood. The additional payments for these timber values were taken from surplus tribal funds rather than from those made available by Public Law 776.²

All but one of the tribal members agreed to accept the appraised value of their property. Pete Hiatt rejected the appraisal and

¹MRBI Rep. No. 152, 1956 Rehabilitation Progress Report, pp. 1, 21.; Frank Ducheneaux, interviews.

²MRBI Rep. No. 152, Ibid., pp. 1, 11, 15.

requested that the value of his property be determined in the Federal District Court at Pierre. The MRBI had appraised his property at \$13,000 and the Tribal Council offered to give him an additional \$8000 for the value of his timber. After two years of trying to get his case through the court, Hiett received a settlement of \$22,000. However, after the legal fees and other expenses were deducted from this amount, he was left with only \$18,000, which was \$3000 less than he could have received from the original offers.³

As soon as the other tribal members agreed to accept the amount offered for their interests within the taking area, BIA and tribal officials discussed the expenditure of funds with them and assisted them in preparing a program which would provide for the most practical and judicious use of their money. Most of the tribal members gave considerable thought and time to the preparation of their individual expenditure programs. Whenever possible they tried to coordinate the use of their funds with those they planned to borrow from the Tribal Rehabilitation Program. Each family head was then requested to describe the improvements on his property and to indicate where he intended to move those improvements. They were also asked to estimate their repair and replacement needs and to indicate how much of the moving, construction, and repair work they intended to do themselves and how much they wanted done by the Tribe or by private contractors. The problems of land purchase and consolidation were also discussed and a plan was

³Ibid.: Frank Ducheneaux, interviews.

worked out which would fulfill as many of the requirements of the individual as possible.⁴

Once a program had been drawn up for each individual and approved by the Superintendent of the Cheyenne River Agency and accepted by the Tribal Chairman, it was presented to the Tribal Treasurer for payment. Those individuals who had outstanding tribal or government obligations signed a voucher which deducted the amount of their debt from their final payment. Nearly all of the tribal members who received a cash payment immediately deposited their funds in commercial banks or in their Individual Indian Money (IIM) Accounts that were safeguarded by the BIA.⁵

Following the enactment of Public Law 776 by the Eighty-Third Congress, it became necessary for the Cheyenne River Sioux to readjust and reevaluate their proposed Rehabilitation Program. In the spring of 1955 a committee consisting of Tribal Council representatives and BIA personnel was established for this purpose. Although the members

⁴ While the Indians of Cheyenne River were only obligated to pay off their outstanding debts to the federal and tribe government out of their final settlement funds, they displayed a remarkable willingness to use their money to pay off their personal debts as well. The tribal members scheduled \$36,595 toward the payment of personal debts to local merchants, mortgage payments, bank notes, and medical bills. They also paid \$36,207 to the Tribal Council and \$31,998 to the federal government for the repayment of outstanding loans. Of the remaining settlement funds, \$288,291 was scheduled for new houses, \$88,996 for the purchase of reservation land, \$75,382 for livestock, \$13,869 for small business enterprises, \$164,291 for old age subsistence and retirement investments, \$4,876 for educational expenses, and \$9,288 for the relocation of six families off the reservation. MRBI Rep. No. 152, Ibid.

⁵ Ibid.

of this committee held many divergent opinions as to what would constitute the most satisfactory and workable utilization of the approved funds, the program that was finally approved by the Secretary of the Interior was largely written by Frank and Ellen Ducheneaux and was based on the original proposals of the Tribal Negotiating Committee which had been prepared in 1952. As previously mentioned, this program essentially gave the Tribal Council full responsibility for the administration and supervision of the Rehabilitation Program.⁶

After the adult members of the tribe ratified Public Law 776, the sum of \$5,160,000 for the program was appropriated by Congress and deposited in the U.S. Treasury to draw interest at four per cent per annum until expended by the Tribe. At the outset, the tribal authorities estimated that approximately \$1,000,000 of the appropriation would be used for the relocation and reestablishment of those tribal members who resided within the Oahe taking area. Half of this expenditure was authorized for the purchase of new land and for the continuation and expansion of the exchange assignment program and other land consolidation methods designed to permit the Indians to make greater use of reservation lands. Of the \$4,600,000 that would actually be used for the Rehabilitation Program, approximately \$2,700,000 was designated for a Rehabilitation Repayment Cattle Program, \$545,000 for a General Assistance Housing Program, \$300,000 for a Student Education Program, \$200,000 for a Rehabilitation Farm Program, \$160,000 for a Business Enterprise Program, and \$100,000 was for an Adult Education Program.

⁶Ibid.

Approximately \$150,000 was to be used for the administration of the program and the remainder of the funds would be left to draw interest in the U.S. Treasury until future needs could be determined.⁷

As defined by the program, rehabilitation funds were to be used "for the development of family and individual plans, prepared by the person making application for participation in the program, to establish the participants in economic units and to improve their economic and social status."⁸ But as Frank Ducheneaux pointed out, the term "rehabilitation" was really a misnomer since it was "not a program to bring the Indian people back to where they were, but a program to launch them toward new gains."⁹ As such it was aimed at providing a new start for as many of the tribal members as the funds available would permit, giving first consideration to those families with the greatest need. But it was also designed to be sufficiently broad enough in scope so that none of the tribal members would be barred from participation by such factors as age, education attainment, experience, or wealth. Established as a twenty-year program, it extended an opportunity

⁷ Ibid., pp. 19-20.; Frank Ducheneaux, Ellen Ducheneaux, interviews; U.S., Department of the Interior, Bureau of Indian Affairs, Present Status and Projected Future Needs of Cheyenne River Rehabilitation Program as of April 15, 1958, MRBI Rep. No. 157 (Billings: Missouri River Basin Investigations Project, 1958), pp. 3, 8. (Hereinafter referred to as MRBI Rep. No. 157, 1958 Rehabilitation Program Status.)

⁸ Cheyenne River Sioux Tribal Council, Tribal Rehabilitation Program, Rev. ed., Cheyenne River Sioux Reservation, South Dakota, CRSTC Files, p. 8. (Hereinafter referred to as Tribal Rehabilitation Program.)

⁹ Frank Ducheneaux, interviews.

to each family on the reservation to take advantage of some aspect of rehabilitation even though they might be ill prepared to do so in terms of experience or ability.¹⁰

The Rehabilitation Program strongly reflected the importance the Cheyenne River Sioux placed on livestock operations. More than half of the rehabilitation funds were designated for the Repayment Cattle Program. This livestock program, modeled after the existing BIA Repayment Cattle Program, was designed to provide cash and cattle loans to any tribal member who intended to establish a ranching operation. Cattle loans were to be repayable-in-kind with eleven head repayable for each ten head loaned. Cash loans were to be repayable in cash with an interest rate of three per cent per annum. The available loans were to be used by both those Indians who were just starting out in the cattle business as well as those who only required a small amount of assistance to bring them up to the level established by the Rehabilitation Planning Committee as an economic unit. At the start of the program 100 head of stock constituted an economic unit and the number was later raised to 150 head (in the previous BIA programs eighty head of stock was considered an economic unit).¹¹

Those tribal members who required full rehabilitation in regard to this program were loaned 100 head of yearling heifers and enough bulls

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Tribal Rehabilitation Program, pp. 8-9.; MRBI Rep. No. 157, 1958 Rehabilitation Program Status, p. 3.

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Tribal Rehabilitation Program, pp. 15-30.; MRBI Rep. No. 157, Ibid.; MRBI Rep. No. 152, 1956 Rehabilitation Progress Report, pp. 23-25.; Cheyenne River Sioux Tribal Council Resolution No. 9-61, January 31, 1961, CRSTC Files.

to service that number (usually three). Those tribal members who required only partial rehabilitation were loaned enough stock to bring them up to this number. In addition the program provided each approved tribal member with up to \$10,000 for improvements and operating expenses including living expenses for the Indian rancher and his family until they had their first calf sale (usually the third year of operation). These funds could also be used for the purchase or consolidation of land. The Repayment Cattle Program established the carrying capacity of the reservation at thirty acres per animal unit and this meant that a minimum of 3,000 acres would be required for a basic ranch unit, not including cropland.¹²

In order to qualify for the cash and cattle loans a tribal member had to be twenty-one years of age, unless he was the head of a family, and he had to develop a workable plan of operation and have it approved by the Tribal Council's Rehabilitation Committee. In all cases, however, preference was to be given to those Indian families who demonstrated the greatest need for the loans. In order to limit the initial cash outlay and minimize the risks for the new ranchers, repayment on the cattle loans was not required until the third year of operation (since the rancher would not have enough yearling heifers for repayment until then). Repayment on cash loans would be on the interest only for the first five years, with the understanding that the loans would be paid in full by the end of the tenth year. In addition, supervisors

¹²Ibid.

or fieldmen were hired to provide guidance for the new ranchers in their management practices and the program provided for the establishment of the Cheyenne River Sales Pavillion to be used for weekly sales during the calf sales season. The program also provided for the initial purchase of seventy-five machinery units, thirty pickup trucks, and enough barb wire and posts to build approximately 2,000 miles of fencing for the Indian ranchers.¹³

The Repayment Cattle Program anticipated the participation of more than 210 Indian families. However, a study made by the Tribal Council's Rehabilitation Committee in February, 1955 revealed that only about twenty Indian families wanted loans to establish dry farm units. The Rehabilitation Farm Program was designed to provide each of these families with \$5,000 worth of mechanized farm equipment and another \$5,000 for the purchase of seed, cows, hogs, poultry, fencing, barns and other buildings, and for operating costs. While it was estimated that three of these families would start farm operations during the first year and \$30,000 was budgeted for their use, no formal applications were made for the farm loans during the course of 1956. The program was eventually abandoned for lack of interest and its funds were transferred to the education and business enterprise programs.¹⁴

The survey conducted by the Rehabilitation Committee in February, 1955 also discovered that about twenty tribal families or individuals

¹³A unit of machinery consisted of a tractor, a mower, a rake, a power posthold digger, a hay grapple fork, a power lift, a bulldozer, and a tractor trailer. Ibid.

¹⁴MRBI Rep. No. 152, Ibid., p. 24.; MRBI Rep. No. 157, Ibid., p. 7.

were interested in establishing a small business enterprise of some kind either on or off the reservation. In order to accommodate these tribal members, the Business Enterprise Program was designed to provide up to \$8,000 for each business venture. Repayment arrangements were similar to those of the cash portion of the Repayment Cattle Program. During the first three years of the program only six loans were actually made. These included loans to establish a service station, auto repair shop, and lunch counter on U.S. Highway 212, a recreation parlor and snack counter in Eagle Butte, and a motion picture theater in Timber Lake, South Dakota.¹⁵

The Cheyenne River Rehabilitation Committee estimated that twenty-five high school graduates per year might qualify for admission to college or vocational training programs. The Student Education Program was designed to provide grants to these students to cover all of their educational expenses including transportation, books, tuition, and room and board for up to four years. The Adult Education Program was also established to provide forty qualified adult tribal members with up to \$2,500 each for up to two years of vocational training. These programs provided for grants rather than loans because it was felt that it would defeat the purpose of the program to saddle the students with an additional financial burden. During the first two years that these programs were in operation seventy Indian youth and fifty-seven adult tribal members received educational grants. Of this number,

¹⁵MRBI Rep. No. 157, Ibid., p. 15.; Tribal Rehabilitation Program, pp. 33-37.

however, 54 per cent dropped out of school without completing their training.¹⁶

The General Assistance Housing Program was designed to aid those tribal members who could not qualify for the other housing assistance programs established under Public Law 776. This program had two phases, one for the building of new houses and the second for the repair of existing houses. Most of the tribal members who qualified for this program were either full-bloods over fifty-five years of age or family heads who were physically handicapped. The new houses were to be built by private contractors and were to measure 16 X 26 feet and would cost approximately \$2,500 each. Funds were appropriated for the construction of fifty-four new houses and the extensive repair of eight houses during the first year of this program.¹⁷

The Rehabilitation Administration Program called for the hiring of a General Manager to supervise the entire program, Field Supervisors in each of the reservation districts to assist and advise the tribal members who were participating in the program, and a staff of clerical personnel to handle the paperwork. In addition, the program authorized the purchase of a complete line of office equipment and supplies and new automobiles and pickup trucks for the General Manager and the Field Supervisors. The Field Supervisors and the clerical personnel had to be qualified members of the Tribe selected by the Tribal Chairman and the

¹⁶MRBI Rep. No. 157, Ibid., p. 15.; MRBI Rep. No. 152, 1956 Rehabilitation Progress Report, p. 26.; Tribal Rehabilitation Program, pp. 38-43.

¹⁷MRBI Rep. No. 157, Ibid., p. 13.; MRBI Rep. No. 152, Ibid., pp. 27-28.; Tribal Rehabilitation Program, pp. 44-46.

Rehabilitation Committee.¹⁸ In December, 1955, Larry Mayes, the State Auditor for South Dakota, was hired by the Tribal Council to serve as General Manager of the Rehabilitation Program.¹⁹

During the spring of 1955 meetings were held on the reservation to explain the Rehabilitation Program to the tribal members and to show them how to make application for assistance. In the meantime the Tribal Council tried to decide the best place to relocate the facilities at Cheyenne Agency. After considering several locations on the reservation, the Council decided that the predominantly white town of Eagle Butte, located fifty miles west of Cheyenne Agency, would be the best location for the new agency site if an adequate water supply could be provided. The Council favored Eagle Butte because, unlike Cheyenne Agency which was located 150 miles from some parts of the reservation, it had a central location and would therefore be equally accessible for all of the tribal members. A main railroad line and U.S. Highway 212 also ran through the town and the Tribe already owned a half-section of land there. However, local BIA officials were against a move to Eagle Butte since they felt that the water and sewage system there would not be adequate enough to support the new Indian population. When the citizens of Eagle Butte heard that the Tribe was interested in moving to their economically depressed town, they set to work to do everything in their power to encourage the move. The cost of a new water and sewage

¹⁸MRBI Rep. No. 152, Ibid., p. 22.; Tribal Rehabilitation Program, pp. 53-55.

¹⁹Eagle Butte News, December 23, 1955.

system for the town had been estimated at \$200,000. The townspeople pledged to put up \$35,000 in cash and to finance the rest of the construction costs through municipal bonds if the Tribal Council would give them the assurance that the agency would be moved to Eagle Butte. The town newspaper, the Eagle Butte News, also urged its readers to write to Congressman E. Y. Berry and ask him what they could do to get the agency relocated to their town. Finally, on October 21, 1955, after months of negotiations, the BIA approved a petition from the Tribal Council and Eagle Butte was officially named the new site for the Cheyenne River Sioux Agency. By November of the next year, the town's new water and sewage system was put into operation.²⁰

In July, 1956, the Tribe established a Relocation Office to assist those Indian families who had to be removed from the reservoir area and Lloyd Le Beau was hired to serve as Relocation Manager.²¹ In the spring of 1957 at meetings held at Cheyenne Agency, William G. Evans of the Omaha District Office of the Corps of Engineers presented a plan for relocation to representatives of the Tribal Council, the BIA, the Indian Health Service, and the Eagle Butte School Board and Town Council. This plan called for the relocation of the agency facilities to the Indian land adjoining the north city limits of Eagle Butte. Over 650 tribal members were to be moved to this location no later than the spring of 1959 and they were to live temporarily in small-house trailers until new housing facilities could be constructed

²⁰Ibid., February 25, April 9, October 21, 1955, November 30, 1956.; Frank Ducheneaux, Ellen Ducheneaux, interviews.

²¹MRBI Rep. No. 152, 1956 Rehabilitation Progress Report, pp. 18-19, 26-27.

for them. The Corps of Engineers predicted that this would be a very difficult and chaotic period for the Indians involved since it was estimated that the influx of construction workers and private contractors alone would double the population of Eagle Butte during this period. The Corps agreed that the new hospital would be the first building constructed on the new agency site. In the meantime, an old clinic in Eagle Butte was opened up by the Indian Health Service to provide outpatient and emergency medical care for the Indians until the new hospital was opened.²²

In September, 1957, President Eisenhower signed into law an act which provided for the reimbursement of the Cheyenne River Sioux Tribal Council for the expenses they had incurred as a result of the Oahe negotiations. In April, 1956 the Tribal Council had reported to the Omaha District Engineer that their negotiating expenses totaled \$119,802, of which \$72,222 was for attorneys fees. Since Public Law 776 only authorized a total reimbursement of up to \$100,000 and no more than \$50,000 for attorney fees, Congress only approved the payment of \$97,580 to the Tribe. This meant that the Tribal Council had to pay the remaining \$22,294 out of their own funds.²³

In October the Omaha District Office of the Corps of Engineers began accepting bids from private contractors for the various relocation

²²Eagle Butte News, January 4, February 15, May 17, 1957.

²³U.S., Congress, Senate, Committee on Interior and Insular Affairs, Providing Reimbursement to the Tribal Council of the Cheyenne River Sioux Reservation in Accordance with the Act of September 3, 1954, S. Rep. 1105, 85th Cong., 1st sess., 1957, p. 2.; Act of September 2, 1957, Statutes at Large, LXXI, 598-99.

and reconstruction projects on Cheyenne River. Most of the construction contracts were awarded to large out-of-state firms such as Peter Kiewit and Sons of Omaha, Nebraska. On Thanksgiving Day, construction work began on the new agency site in Eagle Butte and the local townspeople were permitted to sign up for construction jobs.²⁴ Although Lloyd Le Beau reported that the private contractors also hired a number of Indians and that earth-moving equipment owned by the Tribe had been used by tribal members to prepare the site for construction, the tribal officials generally felt that in view of the high rate of unemployment on the reservation, members of the tribe should be given first priority for all jobs they were qualified to perform. Since the clearing of the taking area and the relocation and reconstruction of new facilities was of vital concern to the Indians and would greatly effect their own lives and property, the tribal officials felt that tribal members should be given the greatest opportunity possible to participate in this activity. The Tribal Council therefore requested the members of the South Dakota Congressional delegation to take action to require the Corps of Engineers to arrange for the hiring of more Indian workers. The Corps officials claimed that they had no authority to do this since they were only authorized to enter into contracts with the lowest bidder for any approved project and could not dictate the employment practices of private contractors.²⁵ Finally, in 1961,

²⁴ Eagle Butte News, October 11, December 9, 1957.

²⁵ Lloyd Le Beau, Frank Ducheneaux, interviews.

Senator Milton Young of North Dakota submitted a bill which would authorize the Standing Rock Sioux to participate in clearing the land within the Oahe taking area on their reservation and Senator Frances Case amended this bill to include the same provisions for the Cheyenne River Sioux.²⁶ This legislation would require the Corps of Engineers to enter into contracts with these respective tribes for the completion of certain clearing and salvage operations. By the time that the Senate Committee on Public Works got around to considering this bill, however, most of the reservoir area within the Cheyenne River Reservation had already been cleared and most of the improvements and timber had been salvaged. The Senate never took any further action on the bill.²⁷

On August 3, 1958, at six o'clock in the morning, giant earth movers began dumping dirt into the Missouri River at a site just north of Pierre and dignitaries gathered for a public ceremony to mark the closing of the Oahe Dam. Winthrop Rockefeller served as the principal speaker and Senator Karl Mundt, Representative E. Y. Berry, and Governor Joe Foss of South Dakota, Senators Roman Hruska and Carl Curtis of Nebraska, Senator Bourke Hickenlooper of Iowa, and Generals G. E. Galloway and John L. Person of the Corps of Engineers were also on hand.²⁸ In September, President Eisenhower signed into law a bill

²⁶U.S., Congress, Senate, A Bill Authorizing Standing Rock and Cheyenne River Indian Tribes to Participate in Clearing Oahe Reservoir Area, S. 340, 87th Cong., 1st sess., 1961.

²⁷Ibid.

²⁸New York Times, August 3, 1958, p. 38.; Pierre Daily Capitol Journal, McLaughlin Messenger, August 3, 1958.

which provided the Standing Rock Sioux with \$12,201,553 for the purchase of their land and the damages caused to them by the Oahe project. This amount was about \$1,500,000 more than the Cheyenne River Sioux had received four years earlier even though the Oahe Reservoir would flood only half as much land on Standing Rock and less relocation and rehabilitation would be required since most of the agency town of Fort Yates, North Dakota would remain intact.²⁹ In October, a new multi-span bridge was opened over the Oahe Reservoir on U.S. Highway 212. This bridge, located a half mile east of Cheyenne Agency and constructed at a cost of over \$5,000,000, would serve as the new link between the Cheyenne River Reservation and the outside world.³⁰

In the spring of 1959 relocation activities began as scheduled on Cheyenne River. By April over 320 workers were employed at the relocation site in Eagle Butte and the weekly payroll exceeded \$32,000.³¹ In May, a group of Indians who preferred not to move to Eagle Butte decided to move just a few miles from Cheyenne Agency to a site adjacent to U.S. Highway 212. The first man to relocate his house at this new location was Mark Garter and as a result this new Indian community became known as Marksville.³²

In September of 1959 the new Eagle Butte Community School was opened just in time for the new school year. The Tribal Council and

²⁹ Act of September 2, 1958, Statutes at Large, LXXII, 1766 (1958).

³⁰ Eagle Butte News, October 21, 1958.

³¹ Ibid., April 15, 1959.

³² Aberdeen American, May 22, 1959.: BIA, Cheyenne River Fact Sheet, p. 2

the Eagle Butte School Board had previously agreed to consolidate the old Cheyenne River Boarding School and the Eagle Butte High School in order to provide for the joint funding, use, and control of the new school facility. In the meantime, the Indian students had celebrated their last year at the old boarding school by winning the 1959 South Dakota State Class B Basketball Championship.³³ While most of the new school complex was ready for occupancy in September, the dormitories at Eagle Butte had not yet been completed and the Indian students were required to stay in their old dorms at Cheyenne Agency. This made it necessary to bus the students from one location to the other. Each school day over 500 Indian students were given sack lunches in the morning and were required to ride the 100 miles to Eagle Butte and back. The Sioux Falls Argus-Leader called this "the biggest sack lunch program in South Dakota"³⁴ but it may have also been one of the biggest public school bussing programs in the United States. Finally, in late October, the Indian students were moved into their new dorms at Eagle Butte. When fully completed, the new school complex included elementary and secondary classrooms to accommodate 1,220 students, dormitories to accommodate 400 boarding students, a gymnasium with a seating capacity of 1,400, an auditorium with a seating capacity of 1000, a library, a vocational shop, and extensive office space. In addition to this new school, the Moreau River School was relocated

³³Eagle Butte News, March 27, September 18, 1959.

³⁴Sioux Falls Argus-Leader, October 23, 1959.

twenty miles south to a site on U.S. Highway 212 and was renamed the Swift Bird Day School and the Four Bear Day School was moved to Parade, South Dakota.³⁵

During the fall of 1959 the BIA, the Cheyenne River Sioux Tribe, and the Indian Health Service also began to move their facilities from Cheyenne River to Eagle Butte. A new office building was constructed for the administration of all BIA and Tribal services on Cheyenne River and new housing units were built for those persons who were employed by the BIA and the Tribe. Eighty-one new houses were built for those tribal members who wanted to live near the new agency facilities and sixteen houses were moved from the old agency and remodeled. In March of 1960 the Indian Health Service Hospital at Eagle Butte was completed and was named in memory of Ralph Hoyt Case, the tribal attorney who had worked for the Cheyenne River Sioux for thirty-five years. This new hospital facility had a thirty bed capacity, offered general medical, surgical, pediatric, and obstetrical service and an active outpatient clinic, and had an initial staff of forty-five permanent personnel. Twenty-four apartments and eight new cottages were built to accommodate these hospital employees and thirty new two-room houses were built under the General Housing Assistance Program for those elderly tribal members who required special care and access to the hospital facilities. Four field clinics, at Red Scaffold, Cherry Creek, Swift Bird, and White Horse, were also constructed to supplement the activities of the new hospital. These clinics were to be

³⁵ BIA, Cheyenne River Fact Sheet, p. 5.

served by a travelling medical team from the Case hospital. In addition, a contract was made for additional inpatient care with St. Mary's Hospital in Pierre and the Mobridge Hospital in Mobridge, South Dakota.³⁶

Except for a five-day wildcat strike called by the workers of two firms in September, 1958 and a fire which caused \$6,000 damage at the relocation site in December, 1959, construction work continued at a rapid pace at Eagle Butte. As they had anticipated, the white citizens of the town enjoyed an economic boom as a result of the relocation activity. In 1959 alone a new bank, bowling alley, supermarket, motel, drive-in restaurant, and newspaper office were constructed in the town, the post office was expanded and remodeled, and the municipal liquor store grossed over \$132,000.³⁷ But the Indians were also expanding their economic activities. Besides the individual tribal members who started businesses of their own with funds from the Business Enterprise Program, the Cheyenne River Sioux Tribe also ventured into the local business world with investments in a Super-Valu supermarket, a service station and garage, a laundromat, and a beef camp. Between 1956 and 1958 the Tribe also purchased two local telephone companies and launched the Cheyenne River Sioux Telephone Company, the only telephone franchise ever awarded to an Indian tribe

³⁶ Ibid.; U.S., Department of Health, Education, and Welfare, Indian Health Service, Summary of Indian Health Service Reports in South Dakota (Aberdeen: 1968), p. 10.

³⁷ Eagle Butte News, September 19, 1958, December 5, 1959, January 1, 1960.

in the United States.³⁸ In October, 1960, a private contracting firm from Oklahoma was hired to relocate the Indian cemeteries, shrines, and monuments on Cheyenne River. By late November of 1961, the Corps of Engineers reported that the area around Cheyenne Agency had been completely salvaged and was ready to be flooded.³⁹

On August 16, 1962, a crowd of over 10,000 persons gathered at the Oahe Dam site to witness the dedication of the \$380,000,000 project by President John F. Kennedy. Stewart L. Udall, the Secretary of the Interior, Cyrus R. Vance, the Secretary of the Army, and General Walter K. Wilson, the Chief of Engineers, were present for the ceremony along with several Congressmen and other regional dignitaries. Clarence Runs After, the Tribal Treasurer, and Kenneth West, a member of the Tribal Council, represented the Cheyenne River Sioux in the absence of Andrew Le Beau, the acting Tribal Chairman, who had to be in Washington at the time. West was on the platform with President Kennedy and he shook his hand and presented him with a mahogany statue of Henry Standing Bear, a Sioux chief, that had been made by Korczak Ziolkowski, the famous sculptor of the Crazy Horse Monument in the Black Hills. The President was then introduced to his early morning audience by George McGovern, who had recently quit his post as Director of the Food for Peace program in order to campaign as South Dakota's Democratic candidate for the

³⁸ BIA, Cheyenne River Fact Sheet, p. 4.

³⁹ Eagle Butte News, October 7, 1960, November 22, 1961.

United States Senate. "This dam provides a striking illustration," the President remarked, "of how much a free society can make the most of its God-given resources."⁴⁰

⁴⁰Ibid., August 23, 1962.; New York Times, August 17, 1962, p. 1.; Pierre Daily Capitol Journal, August 17, 1962.

CHAPTER VI

CONCLUSION:

"EFFECTS ALL BAD, BENEFITS NONE"

When asked to briefly describe the effects of the Oahe Dam project on the Indian people of Cheyenne River and to enumerate the benefits they received from it, Ellen Ducheneaux quickly replied, "effects all bad, benefits none."¹ While "effects mostly bad, benefits few" might have been a more accurate and objective analysis of the situation. Mrs. Ducheneaux's reply was precise at least in reflecting the general attitude of the Cheyenne River Sioux toward that "Great Imposition" they have now been living with for the past quarter century. For those tribal members who can still remember "the good old days" before their reservation was inundated and the scenery, wildlife, and timber destroyed, the gains produced by the Oahe will never outweigh the losses, and, admittedly, the gains thus far have indeed been meager. While the Tribe did receive over \$10,600,000 for their trouble from the federal government, this seems to be immaterial to the Indians since, as one tribal member has explained, "no amount of money could have compensated us for our loss."²

¹Ellen Ducheneaux, interviews. The sardonic and ever-quotable Mrs. Ducheneaux is never without a quip. When my wife and I first entered her office for an interview, she loudly asked, "What have we here? A couple of white liberals high on Indians?"

Perhaps the feeling the Cheyenne River Sioux have about the Oahe project has best been captured in words by the following passage from the "Declaration of Indian Purpose" that was drawn up by the American Indian Chicago Conference in 1961:

When our lands are taken for a declared public purpose, scattering our people and threatening our continued existence, it grieves us to be told that a money payment is the equivalent of all the things we surrender. Our forefathers could be generous when all the continent was theirs. They could cast away whole empires for a handful of trinkets for their children. But in our day, each remaining acre is a promise that we will still be here tomorrow. Were we paid a thousand times the market value of our lost holdings, still the payment would not suffice. Money never mothered the Indian people, as the land has mothered them, nor have any people become more closely attached to the land, religiously and traditionally.³

If the benefits which the Cheyenne River Sioux received from the Oahe project are to be measured, they should first be measured in terms of the purposes for which the dam and reservoir were originally constructed. Assuming that the multi-million dollar engineering wonder known as the Oahe Dam was truly designed to be beneficial to the people of the Missouri Valley, then it should be equally beneficial to those people, both Indian and non-Indian, who were caused to suffer the most as a result of its construction. But such is not the case. The Pick-Sloan Plan was designed to provide the benefits of flood control, irrigation, hydroelectric power, navigation, and recreation. But one

²Hazel Garreaux, interview held at Cheyenne River Sioux Tribal Office, Eagle Butte, South Dakota, August 2, 1972.

³American Indian Chicago Conference, Declaration of Indian Purpose (Chicago: 1961), p. 16.

of its biggest projects, the Oahe Dam, has not materially improved the lives of the Indian people of Cheyenne River in regard to any of these provisions, as the following evidence will show.

Flooding was seldom a serious problem on the Cheyenne River Reservation prior to the construction of the Oahe Dam. Frank Ducheneaux could only remember two big floods on the reservation during his lifetime. Granted the fact that the flood control features of the Oahe Dam were primarily designed to benefit the people of the lower Missouri Valley, it might be expected that the project could also sufficiently control the periodic floods on the reservations of the upper valley. But this may not be so. Despite Oahe, there was a flood on that portion of the Moreau River within the Cheyenne River Reservation in 1968 and, as this is being written, serious flooding is occurring near St. Louis, Missouri, on that portion of the Missouri River which Pick-Sloan was specifically designed to protect.⁴

Whether or not the Cheyenne River Sioux have flood control or not, they are not very impressed with the fact since, as Ellen Ducheneaux has pointed out, it is quite natural to assume that "if you flood out the bottomlands you will then have flood control."⁵ What the Indians are concerned with is the fact that the rise in the maximum pool level of the Oahe Reservoir has caused the water to infringe on Indian land that has never been purchased by the federal government and that the fluctuation of the water level has created a far greater

⁴Frank Ducheneaux, interviews.; St. Louis Post-Dispatch, April 19-20, 1973.

⁵Ellen Ducheneaux, interviews.

hazard to the Indian livestock and other resources than any of the infrequent floods of the past.⁶

The Oahe Dam has been completed for nearly a decade. Most of the irrigation units planned in conjunction with the project by the Bureau of Reclamation are still on the drawing boards and few of the residents of the central Missouri Valley have been able as yet to take advantage of the irrigation benefits promised by Pick-Sloan. According to the BIA land classification there are 50,176 acres of potentially irrigable land on the Cheyenne River Reservation. The original Pick-Sloan Plan called for the Bureau of Reclamation to build an irrigation unit on the Moreau River which would provide water for more than 17,000 acres of land in the northern portion of the reservation. But only 1,000 acres near the mouth of the river has actually been irrigated and there are no immediate plans to expand this project. As this study has already pointed out, there is a question as to whether or not irrigation farming can ever be financially feasible for the Indians. Now there is the question of whether or not the reservation land really is irrigable. The experience in the Moreau River district has not been encouraging. Because of the excessive content of dissolved sodium in the river water and the potential for soil sterilization caused by the use of this kind of water, the Bureau of Reclamation has cancelled its plans for further irrigation projects on the Moreau River. On the reservation land that has already been substantially

⁶Frank Ducheneaux, interviews.; Rusty Farmer, BIA Administrative Manager for Cheyenne River Agency, interview held at Eagle Butte, South Dakota, August 2, 1972.

irrigated there is such a heavy concentration of shale that the soil will not soak up the water. As a result, the water just stands on the land and only serves to bring up the alkaline out of the soil.⁷

The Cheyenne River Reservation now has more electrical power than ever before. It is doubtful whether this power increase is a direct result of the construction of the Oahe project. As previously pointed out, the lack of electrical power on the reservation prior to the construction of the Oahe power plant was primarily due to factors of affordability rather than those of availability. To this extent the increase in electrical power is more of a result of the rise in the general economic level of the reservation rather than the increase in the availability of electrical power provided by the Pick-Sloan projects. Although these projects have definitely provided more electrical power for the residents of the Missouri Valley, there is no evidence to show that electricity has been provided at a lower cost, as the Pick-Sloan Plan had promised.

The Cheyenne River Sioux could have received direct hydroelectric benefits from the Oahe project if a block of power could have been set aside for their exclusive use or otherwise provided to them at a low cost. But presently the reservation does not receive any of its power from the Oahe Dam. Although Oahe provides power for a wide area south

⁷ Frank Ducheneaux, Ibid.; Donald Kritzsinger, Oahe Area Manager, U.S. Army Corps of Engineers, interview held at Oahe Dam, Pierre, South Dakota, July 27, 1972. (Hereinafter referred to as Donald Kritzsinger, interview.); Cheyenne River Redevelopment Committee, Overall Economic Development Plan for Cheyenne River Redevelopment Area (Eagle Butte: 1969), pp. 41-42, 73-74. (Hereinafter referred to as Overall Economic Development Plan.)

of Pierre, most of the Cheyenne River Reservation is serviced by the Moreau-Grand Electrical Cooperative of Timber Lake, South Dakota, which gets its power from the Fort Peck and Garrison projects as well as a smaller power plant on the Cannonball River. Despite the increased availability of power, affordability continues to be the most important factor as far as the Indians are concerned, and there are still vast areas of the reservation that are without electrical power just as they are without telephone service.⁸

Even if the Corps of Engineers had provided for a clear channel on the Oahe Reservoir, improved navigation could be of little benefit to the Cheyenne River Sioux. The Tribe does own a ferry boat which it intends to use to shuttle cars and passengers across the Reservoir near the mouth of the Cheyenne River where the state road department has refused to build a bridge. But few of the individual tribal members can afford to purchase their own boats even if they were inclined to do so. Due to the nature of the salvage operations conducted by the Corps of Engineers, however, clear navigation is presently obstructed on the Oahe Reservoir. In some places the water level barely clears those structures that were left standing at the old Cheyenne Agency site. Since the Tribe was not permitted to salvage all of the timber in the area and the Corps of Engineers made no attempt to do so itself, there are a large number of dead trees which have been left standing above the water surface. As a result, many

⁸Overall Economic Development Plan, p. 50.; Lloyd Le Beau, Donald Kritzsinger, Kermeth S. Engle, interviews.

miles of the Oahe Reservoir are now cluttered by a dead forest and perpetually filled with driftwood. These obstacles interfere with recreational activities in the area, which was another of the purposes for which the Oahe Reservoir was created.⁹

Of all the benefits promised by the Pick-Sloan Plan, the most immediate and successful results have been realized in the areas of outdoor recreation and tourism. Since the filling of the Oahe Reservoir, or Lake Oahe as it is now more commonly called, over 150 recreational areas have been developed along its 2,250 mile shoreline. Twenty-nine of the major access areas have been developed by the Corps of Engineers and provide public facilities for swimming, fishing, boating, camping, and picnicking.¹⁰ Federal and state fish and wildlife departments have increased both the number and variety of fish in Lake Oahe and the reservoir is now recognized as one of the best areas in the country for walleye fishing.¹¹ Tourism has also flourished and presently over 2,000,000 people visit Lake Oahe each year during the peak recreation season. But again the Cheyenne River Sioux have not been able to share in this new prosperity. As previously pointed out, fishing and swimming have never been important activities among the Indians. Likewise, few of them are inclined, nor can they afford, to

⁹ Overall Economic Development Plan, p. 69.; Lloyd Le Beau, Frank Ducheneaux, interviews.

¹⁰ U.S., Department of the Army, Corps of Engineers, Missouri River Division, Omaha District, "Oahe Dam-Lake Oahe" (Omaha: 1972), pp. 1-4.

¹¹ Overall Economic Development Plan, p. 72.; Jack Merwin, "Those Dam Walleyes," Outdoor Life, April, 1973, pp. 61-64.

purchase boats or truck-campers. If anything, the recreational activities of the tribal members has declined as a result of the Oahe project since the flooding of the bottomlands has drastically reduced the game population on reservation and has led to the subsequent decline in hunting, which was previously the favorite sport of the Indians. They are now bothered by an increasing number of white sportsmen who trespass on their land in order to gain access to the reservoir. While the Indians are generally becoming more inclined to take advantage of the recreational features of Lake Oahe, they as well as the white fishermen are hampered by the fact that there are few access roads to the reservoir on the reservation. Other than a small boat ramp and camping area developed by the Corps of Engineers near the Highway 212 bridge, there is a complete lack of developed recreational facilities.¹²

Even if the Indians never take advantage of the recreational features of Lake Oahe themselves, tribal officials are beginning to realize the economic potential of tourism and outdoor recreation on Cheyenne River. The latest Economic Development Plan drawn up by the Cheyenne River Economic Development Committee calls for the construction of new access roads to the reservoir and the establishment of extensive recreation and tourist facilities at four locations on the reservation. In this regard, the Cheyenne River Sioux have been slow to follow the example of the Crow Creek Sioux who have built a multi-million dollar

¹²Corps of Engineers, "Welcome to Oahe Dam," p. 2.; Frank Ducheneaux, Kermeth S. Engle, Donald Kritzsinger, interviews.

recreational complex at Fort Thompson, South Dakota near Lake Sharpe, the reservoir created by the Big Bend Dam, and the Standing Rock Sioux who are presently building a similar complex near Lake Oahe across from Mobridge, South Dakota. The Cheyenne River Sioux are also investigating the possibility of establishing facilities for the seining and processing of pike and other fish for the commercial market. But all of these economic development plans are still on the drawing boards and it is likely to be several years before they are implemented, if in fact they ever are. For the present, the Cheyenne River Sioux are no better off in terms of recreation and tourism than they were when they still lived along the muddy Missouri River.¹³

Another of the benefits promised by the Oahe project was the development of an adequate water supply for municipal, industrial, and domestic uses. While the Oahe Reservoir does provide an unlimited supply of good potable water, few of the farms, ranches, towns, and industries in the area surrounding the reservoir, including those on the Cheyenne River Reservation, have been able to take advantage of this water supply. The need for good water is particularly acute in this area since it is very difficult to obtain ground water of good quality. The wells have to be very deep and the water they yield is highly mineralized and generally unfit for human use. The water supply in the town of Eagle Butte provides a good example. Although new wells were built to increase the quantity of water in the town prior to the

¹³Overall Economic Development Plan, pp. 68-72.

relocation of the agency facilities, nothing was done to improve the quality of the water supply. As a result, the water in Eagle Butte now exceeds the federal standard for maximum impurities and the chemical characteristics of the water causes excessive corrosion and also poses a threat to public health. The South Dakota Department of Health reported in 1969 that there were excessive amounts of iron, sulfate, flouride, and dissolved solids in the Eagle Butte water supply and little has been done to improve the condition of the water since then. The excessive amount of iron in the water causes red and brown stains on clothing and porcelain and affects the color and taste of beverages. The level of sulfates and dissolved solids is high enough to have a laxative affect on nearly all persons who drink the water. Combined with calcium deposits the sodium forms a hard scale on water heaters and boilers and in combination with chloride deposits it causes the water to have an extremely salty taste. Moderate amounts of flouride can play a part in the prevention of tooth decay. But the flouride concentration in the Eagle Butte water supply is high enough to mottle the enamel on the children's teeth. Besides having a foul odor, a terrible taste, and an extremely hardness factor which greatly reduces the lathering ability of soap, the residents of Eagle Butte claim that their water "kills the grass and will rust door hinges five feet away."¹⁴

The condition of the water in most of the other reservation

¹⁴Ibid., pp. 41-46.; Frank Ducheneaux, interviews.

communities is much the same. In some areas the entire water supply has to be transported in. Not only has the water problem affected the health and living conditions of the Cheyenne River Sioux, it has also greatly impeded their future economic development. Because of the poor water the Tribe has experienced a great deal of difficulty in obtaining federal housing assistance and in attracting industry to the reservation.¹⁵ Indian ranchers have suffered as a result of the inadequate water supply. Since most of them have to depend on surface water for their stock and since it is difficult to keep the stock water ponds open during the winter, the lack of adequate ground water sources has greatly contributed to the high death rate of livestock during the winter.¹⁶

The Cheyenne River Sioux are presently exploring ways to improve the quality of their water supply. Though a new water treatment process has been field tested in Eagle Butte, the Tribe feels that a direct pipeline from the Oahe Reservoir offers the best solution to their problems. The initial cost of developing a pipeline would be much higher than that of developing water treatment plants, but the Indians feel that it will provide the most satisfactory and economical results in the future. Consequently, the Tribal Council is attempting to get federal funding for a pipeline from Lake Oahe to Eagle Butte. Once this

¹⁵ Lloyd Le Beau, interview.

¹⁶ U.S., Department of the Interior, Bureau of Indian Affairs, Evaluation of the Livestock Phase, Cheyenne River Rehabilitation Program, MRBI Rep. No. 190 (Billings: Missouri River Basin Investigations Project, 1968), p. 13. (Hereinafter referred to as MRBI Rep. No. 190, Livestock Rehabilitation Evaluation.)

project is completed additional pipelines can then be built to distribute water from Eagle Butte to the other reservation communities. The cost of the initial phase of this pipeline project has been estimated at \$3,000,000. As the tribal representatives prepare once again for a battle in Washington to obtain pipeline funds, they cannot help but regret that the development of an adequate water supply was not made a provision of the Oahe settlement.¹⁷

The Oahe project was supposedly designed to stabilize the soil, reduce the flow of silt, and generally increase productivity in the central South Dakota region. There is no evidence to show that Oahe has brought about any of these desired effects and, in fact, several sources report that the reservoir and its tributaries are silting at a rapid rate as a result of the construction of the dam. The Indians on Cheyenne River think that the tributaries may eventually silt out just like the small reservoirs that were built on the reservation during the Thirties. At least one BIA official also shares the view that silting may be one of the more undesirable results of the rude interruption in the cycle of nature caused by the construction of the Oahe project. The project aimed at providing bank stabilization, but the fluctuation of the water level of the reservoir now causes constant bank erosion. The cutting action of the water not only endangers men and livestock, but in one case, has caused the exposure of bodies from unmarked graves along the shore. Since the Corps of Engineers did not

¹⁷ Overall Economic Development Plan, pp. 65-66.

bother to take the time and effort to determine the contour of the entire shoreline prior to inundation, the water now infringes on Indian property when it is at its maximum pool level. Because the Corps also failed to build fences along the boundary of the taking area, Indian ranchers regularly suffer livestock losses because their cattle either fall off the eroding banks or drift into the reservoir in search of water.¹⁸

The proponents of the Pick-Sloan Plan made great claims about the development of industrial and mineral resources which would result from the construction of the reservoir. But again the Cheyenne River Sioux have failed to see these benefits materialize. Industrial development on the reservation is virtually nonexistent and most of the Indian's mineral resources are now at the bottom of Lake Oahe. While it is conceivable that the Tribe could extract gas, oil, sand, gravel, and lignite from Lake Oahe, the Corps of Engineers, which now has regulatory authority over the Indian mineral rights within the reservoir area, would probably restrict such activity by invoking certain pollution control regulations. Even if the Indians were permitted to extract minerals from the reservoir it would be nearly impossible to determine the ownership of the resources since the mineral rights were allowed to remain in heirship status and the fractionation of interests has continued since the bottomlands were

¹⁸ Frank Ducheneaux, Lloyd Le Beau, Kermeth S. Engle, Donald Kritzsinger, interviews.

flooded.¹⁹

Among other minor benefits, the Pick-Sloan Plan also promised to provide extensive land surveys, increased employment opportunities, and comprehensive historical and archeological investigations in the region adjoining its reservoir projects. In regard to the Oahe project, detailed land studies were made of the Cheyenne River Reservation by the Bureau of Indian Affairs and this survey has greatly aided the Tribe in its land consolidation program. The Oahe project also created many job opportunities for tribal members just as the government reports had predicted. But Indian employment was not as extensive as it could have been and most of the new jobs were terminated as soon as the reconstruction and relocation programs were completed. The unemployment rate on the reservation has declined steadily since the construction of the Oahe project, but this is due primarily to the many federal manpower programs that have been established in the last decade.²⁰

Through the Inter-Agency Archeological Salvage Program, a project coordinated by the National Park Service and the Smithsonian Institution in cooperation with sixteen regional universities and museums, more than 300 archeological, paleontological, and historic sites were located and investigated within the Oahe Reservoir area, many of which are directly relevant to the history of the Cheyenne

¹⁹Overall Economic Development Plan, pp. 40-41, 47-48.; Kermeth S. Engle, Ibid.; Gladys Le Beau, BIA Realty Office, Cheyenne River Agency, interview held at Eagle Butte, South Dakota, August 3, 1972.

²⁰Lloyd Le Beau, Frank Ducheneaux, interviews.

River Sioux. But most of the tribal members found little in the way of compensation or consolation in this multi-million dollar project since they were not permitted to participate actively in it and since most of them were already acutely aware of their own history and origins.²¹

The Cheyenne River Sioux have received, therefore, almost none of the benefits which were supposed to be provided by the Oahe project though they have suffered a great deal as a result of its construction. It may still appear to the reader, as it certainly does to the federal government, that the \$5,160,000 appropriated by Congress for the Tribal Rehabilitation Program should be counted as a direct benefit of the Pick-Sloan Plan. Such is clearly not the case. As this study has revealed, the Cheyenne River Sioux were in dire need of a rehabilitation program prior to the construction of the Oahe project. That they could have received rehabilitation funds from the federal government through separate legislation is almost certain. Separate bills for a rehabilitation program for the reservation had been introduced prior to the Oahe settlement of 1954 and both the Department of the Interior and the Corps of Engineers had urged that the rehabilitation program be made

²¹ Ibid.; For a general description of the Inter-Agency Archeological Salvage Program see U.S., Corps of Engineers, Missouri River Division, Omaha District, Oahe Reservoir: Archeology, Geology, History, by Warren W. Caldwell and Hubert G. Smith (Omaha: 1962), pp. 2-8, and U.S., Department of Interior, National Park Service, Introduction to Middle Missouri Archeology, by Donald J. Lehmer, Anthropological Papers I (Washington: Government Printing Office, 1971), pp. 1-20. For a description of the archeological sites see Lehmer, pp. 65-179. For a description of the historic sites see Mattison, Historic Oahe Sites, pp. 1-159.

the subject of separate legislation. In several cases since then, Congress has appropriated funds for the establishment of rehabilitation programs on reservations, such as those of the Rosebud and Pine Ridge Sioux in South Dakota, which were not otherwise affected by the Pick-Sloan Plan or any other public works project. That rehabilitation program was included in the Oahe settlement only as a matter of expediency for the Congress is now certain. Rather than being considered a beneficiary, the Oahe project should have properly been viewed as a liability to the rehabilitation program since the government funds would have been much more effective if the economic life of the reservation had not been disrupted by the project and if the money had been used for existing facilities and programs. Since in the popular view the Tribal Rehabilitation Program is generally considered a direct benefit of Oahe and Congress apparently felt that the \$5,160,000 it appropriated would be sufficient to rehabilitate all of the tribal members on Cheyenne River, a brief evaluation of the rehabilitation program appears to be in order.

The rehabilitation of all of the Indian families on Cheyenne River would have been such a tremendous task, that it was completely unreasonable for Congress to expect that such a job could be accomplished in any satisfactory manner with the limited funds that were appropriated for the program under Public Law 776. As early as 1958 the Tribal Rehabilitation Committee had projected that 24 per cent of the resident tribal members would not be able to directly participate in the program and that there would not be sufficient funds to provide

a second opportunity for those Indians who could not be successfully rehabilitated by their initial program participation.²² Of the 230 tribal members who participated in the Repayment Cattle Program, only eighty-eight were still in operation in 1970 and only sixty-six had managed to pay off their original loans. Only three out of the twenty-two Indians who participated in the Business Enterprise Program are still in business and only seven have paid off their accounts. The Rehabilitation Farm Program was cancelled. The Student Loan Program assisted over 200 college and vocational training students, but only forty-seven of these students completed their courses. The Adult Education Program was cancelled in 1960. Of the seventy-six adults who participated in this program only twenty-four of them completed their courses although the majority of the participants obtained employment as a result of their training. Under the General Assistance Housing Program over 100 houses were built on the reservation, but some of them were so poorly constructed that they are no longer standing.²³

Whether or not the Rehabilitation Program can be judged a success or failure on the basis of these statistics largely depends on who is being asked to evaluate it. Frank Ducheneaux, who is encouraged by these results, thinks that the program was more successful than most federally-administered programs. He feels that the most important result of the program, and the one not reflected in these figures, was

²²MRBI Rep. No. 157, 1958 Rehabilitation Program Status, pp. 4-5.

²³BIA, Cheyenne River Fact Sheet, p. 4.

that it gave the Tribe practical experience in administering their own multi-million dollar project.²⁴ Donald Pennington, the BIA Land Operations Officer on Cheyenne River, also shares this view. He points out that the success rate of the Indian ranchers was much higher than that of the local white ranchers who tried to start livestock operations during the same period.²⁵ On the other hand, T. L. Traversie, the present Tribal Chairman, is a bit more pessimistic. Scarcely concealing his hostility toward the Ducheneaux regime, which he helped to ouster, he expresses the view that the program could have been a lot more successful "if it had not been set up and administered by a bunch of amateurs." Traversie, who is himself a lawyer, thinks that the program should have been controlled by someone with more expertise and managerial ability and that even supervision by the BIA would have been preferable to that of "the dictatorial Ducheneaux."²⁶ Many of the other tribal members also share this view. They feel that too much emphasis was placed on the cattle program to the exclusion of what they considered to be the more necessary land, housing, and welfare

²⁴ Frank Ducheneaux, interviews.

²⁵ Donald Pennington, BIA Land Operations Officer, Cheyenne River Agency, interview held at Eagle Butte, South Dakota, August 3, 1972. (Hereinafter referred to as Donald Pennington, interview.)

²⁶ Theophile L. Traversie, Tribal Chairman, Cheyenne River Sioux, interview held at Cheyenne River Sioux Tribal Office, Eagle Butte, South Dakota, July 31, 1972. (Hereinafter referred to as T. L. Traversie, interview.) Traversie, known as "Mr. Travesty" by his political enemies on the reservation, was elected by only twenty-six votes over Alex Chasing Hawk, Ducheneaux's right-hand man, in a hotly contested election in 1970. A Navy veteran and a graduate of the University of South Dakota Law School, he had worked to establish a legal aid program on the reservation. He decided to enter the vicious game of tribal politics after Ducheneaux tried to terminate this

programs.²⁷

The Rehabilitation Program has also been attacked by local white ranchers and businessmen. This attack may be interpreted as reflecting positively on the program since the businessmen are disturbed only because they were not permitted to milk profits from the project and the ranchers are angered because they lost the use of Indian land as a result of the tribal land consolidation and the repayment cattle programs. Finally, Lloyd Le Beau and Ellen Ducheneaux, two of the people who helped design the program, are also critical of its results. Le Beau thinks that the program only served to reinforce the Indian's dependency on federal and tribal assistance while at the same time it discouraged their relocation to urban areas off the reservation. Ellen Ducheneaux claims that "rehabilitation, like prohibition, was a noble experiment but it just didn't work out." She suggests further that the real rehabilitation program provided by the Oahe project was not for the Indians at all since in her view "the entire Pick-Sloan Plan was a rehabilitation program for the Engineers."²⁸

The mistakes of the rehabilitation program are now apparent. In general, the Cheyenne River Sioux and the BIA should have been more specific in defining the duties of each party in regard to the program.

program. At thirty-eight, he is now one of the youngest tribal chairmen in the United States and is also president of the intertribal organization known as The United Sioux Tribes. He was re-elected to office in 1972.

²⁷ Ibid.; MRBI Rep. No. 152, 1956 Rehabilitation Program Report, p. 5.

²⁸ Lloyd Le Beau, Ellen Ducheneaux, interviews.

Much more time and study should have been devoted to the preparation of the overall program and in clarifying operational and eligibility requirements before the funds were disbursed. The Tribe and the BIA now both agree that the program moved much too rapidly. The Tribe intended to provide all of the reservation families with an equal opportunity to make use of the program funds, but many loans were approved for individuals who were simply not prepared to make efficient use of the money. Housing, ranching, and business sites were often picked out without regard to future needs or the development of the community or reservation as a whole.²⁹

In regard to the Repayment Cattle Program, experience indicates that the Indians should have been given at least a year to properly set up their ranch units before they received their cattle loans. Many of the tribal members received cattle before they had sufficient land or capital to support them. As a result, some of the livestock had to be repossessed soon after being issued and there were also many incidents of cattle trespassing. Some of the white ranchers complained that they were not given sufficient notice to vacate the land they leased on the reservation before the Indian cattle were turned on their grazing units. For their part the Indian ranchers complained that they felt compelled to grab both the land and the loans while they were still available and that they did not have adequate guidance in their operations from either the Tribe or the BIA. As a result they often

²⁹ MRBI Rep. No. 152, 1956 Rehabilitation Program Report, pp. 2, 4-5.; MRBI Rep. No. 157, 1958 Rehabilitation Program Status, pp. 3-4.

ended up with ranching units which did not have adequate water access, grazing area, or additional land for expansion. Because of these problems there was a high dropout rate from the program during its first few years of operation. Those who did manage to stay in business during this period experienced small calf crops and high death losses. These ranchers have suggested that they would have been better off if they could have been loaned bred cows instead of yearling heifers since their returns would then have been much quicker and their losses much less. But this suggestion was never followed. Later applicants for the program were more carefully screened and the majority of those ranchers who managed to stay with the program over the years were able to increase the net worth of their operations and provide an adequate living for their families.³⁰

Like the cattle program, the education program also moved much too hastily. The students who participated in these programs did not receive adequate educational counselling. As a result, grants were received by many students who could not meet or maintain minimum scholastic requirements. Only after a large number of the initial participants dropped out of school was a certified educational counselor hired to advise prospective students. Finally in regard to the General Assistance Housing Program, the Tribe now feels that it would have been better to have used their money to build a lesser number of larger and better constructed homes.³¹

³⁰ MRBI Rep. No. 152, Ibid., p. 6.; MRBI Rep. No. 157, Ibid., pp. 3, 22, 25.; MRBI Rep. No. 190, Livestock Rehabilitation Evaluation, pp. 13-17, 21-23.; Donald Pennington, interview.

³¹ MRBI Rep. No. 152, Ibid., p. 5.; Lloyd Le Beau, interview.

The relocation program was hampered by numerous problems. The tribal members who lived within the taking area received payment for their property long before it was time for them to move. Since only limited assistance and direction was provided for these individuals in the expenditure of these funds, a number of them spent their money on other things besides the purchase of new property. As a result, it later became necessary for them to seek additional cash loans in order to purchase new land and housing. The premature and often foolish spending of the settlement funds therefore, handicapped many families in regard to the overall rehabilitation program and, as a result, some of them now have living conditions which are much worse than they were before they had to move.³²

The Oahe settlement created an inflated land market on the reservation and most of the tribal members were not able to purchase as much land as they had lost. Frank Ducheneaux, for example, had previously owned 1,400 acres of some of the best land on the reservation. With the money he received for his property from the Oahe settlement, however, he was only able to purchase 200 acres of lesser quality land.³³

³²MRBI Rep. No. 152, Ibid., pp. 5-6.

³³Ibid.; Frank Ducheneaux, interviews. Ducheneaux's property is located on U.S. Highway 212 at the far eastern end of the reservation overlooking Lake Oahe, not far from the old Cheyenne Agency site. Ironically enough, considering the great number of white "fortune hunters" who make their living by selling Indian artifacts, Ducheneaux since his retirement from tribal politics in 1970, has been running an antique shop on his property which deals almost exclusively in the sale of furniture, implements, and utensils of the early white homesteaders. Soon after the Oahe settlement Frank and Ellen Ducheneaux

A number of errors were made in the assignment of new land and the relocation of improvements. One tribal member's house was relocated on the wrong land. Since the Corps of Engineers would not authorize a second relocation of the house, it became necessary for this individual to purchase the small tract rather than go to the trouble and expense of moving the house himself. Another tribal member built a house and barn and fenced in a pasture on a section of land which he later found was not his. Still another tribesman had to remove his fence from around a quarter section of land after he found that he had been assigned the wrong tract. This same man later had his ranch divided into three sections several miles apart from each other as a result of yet another mixup in assignments.³⁴

The Cheyenne River Sioux also experienced difficulty in getting adequate replacement of their facilities. In the Moreau River district of the reservation the Indians are still waiting to have their school and bridge replaced and their telephone service restored. The tribal members on Cheyenne River, like those on Standing Rock Reservation, were also not allowed to exercise their full salvage rights in regard to their timber. As a result, they later had to

were divorced. Frank later took a third wife but she died a short time after they were married. He now lives in a comfortable house adjoining his shop where he is taken care of by his daughter Karen, a political science graduate of the University of South Dakota and a former editorial assistant for Vine Deloria, Jr. Here he is frequently visited by his thirty-six grandchildren. One of his sons, also with him, runs a farm on the Ducheneaux property, and another son, Franklin, an attorney, is presently the Chief Legislative Officer for the BIA in Washington.

³⁴MRBI Rep. No. 157, 1958 Rehabilitation Program Status, p. 25.

purchase lumber elsewhere, for their building and fencing needs while the reservoir now has deadwood floating in it.³⁵

Of all the mistakes made in regard to the rehabilitation and relocation programs, however, the Cheyenne River Sioux regret most their decision to move to Eagle Butte. The dusty, dirty, windswept town on the flatland could never replace the shady riverside community of Cheyenne Agency. The townspeople have never made an effort to accommodate tribal members, even though Indian money is all that now keeps them alive. The merchants have not been appreciative of the fact that they were the ones who really got the benefits as a result of the move. Although the town bank has mostly Indian depositors it does not have any Indian employees and neither do most of the local stores, with the exception of those that are actually owned by tribal members. Indian veterans are not allowed in the American Legion Club while white non-veterans are openly admitted. Prices for groceries and other basic commodities are substantially higher in Eagle Butte than they are in the white communities adjacent to the reservation. Though the town was originally selected as a site for the agency facilities because of its central location and because it was on a main highway and railroad line, even these advantages no longer seem to be important. U.S. Highway 212 is badly in need of repair and is now mostly used by only local traffic. There is no bus or taxi or any other form of public transportation to serve the town, the railroad freight service has been reduced to once a week, and the freight truck line service has been cut

³⁵ Lloyd Le Beau, Frank Ducheneaux, interviews.

to three times a week. Besides all of its other disadvantages, Eagle Butte's water is unfit for human use, its streets are in miserable shape, and there is hardly a shade tree to be found. As Ellen Ducheneaux has remarked "moving to Eagle Butte was the sorriest thing the Tribe ever did."³⁶

The smartest thing the Cheyenne River Sioux ever did in regard to the Oahe project was to use their rehabilitation and relocation funds to help establish a successful land consolidation program. Between 1950 and 1970 the tribally-owned land holdings were increased from 798,173 to 915,225 acres as a result of this program. During this same period, the individually-allotted Indian land holdings were increased from 390,000 to 497,093 acres. At the same time the amount of reservation land used by non-Indians was reduced from 742,216 to only 162,635 acres and the government-owned land was also cut from 6,003 to 3,914 acres. The total effect of the land consolidation program during this twenty-year period has been an increase in the amount of Indian land actually used by tribal members from 787,381 to 1,231,037 acres.³⁷ While conducting a study of Indian land problems for the National Congress of American Indians, Vine Deloria, Jr., executive director of the NCAI, claimed that the Cheyenne River land consolidation program was "among the best we have seen."³⁸ In addressing the National

³⁶ Ibid.; Ellen Ducheneaux, interviews.; Overall Economic Development Plan, pp. 75-76.

³⁷ U.S., Department of the Interior, Bureau of Indian Affairs, Aberdeen Area Statistical Data, 1971 (Aberdeen: 1971), pp. 21, 24. (Hereinafter referred to as BIA, 1971 Aberdeen Area Statistics.)

³⁸ Hough, Development of Indian Resources, p. 39.

Conference on Manpower in 1967, Deloria also stated that, "If the other tribes would use their tribal land as the Cheyenne River Sioux have, we could solve our own problems in a tribal way, and preserve our tribal way of life."³⁹

The land consolidation program appears to be the one bright spot in the entire Oahe story for the Cheyenne River Sioux. But it should be pointed out that it was assisted by other federal and tribal funds in addition to those provided for by the Oahe settlement. Likewise, the multitude of new programs established on the reservation by the Bureau of Indian Affairs, the Office of Economic Opportunity, the Department of Labor, Health, Education, and Welfare, Housing and Urban Development, Agriculture, and other federal agencies in recent years have been primarily responsible for the progress the Tribe has made in the areas of housing, job training, employment, and community and economic development. As a result of these programs, the Cheyenne River Sioux have managed to increase their tribal assets to more than \$15,000,000. They have also brought the per capita family income above the poverty level of \$3,000, which is quite an accomplishment for any tribe, and they have reduced the unemployment rate to less than 32 per cent, which is presently the lowest of any of the major Sioux reservations.⁴⁰

Despite their progress, the Cheyenne River Sioux still feel

³⁹Steiner, The New Indians, p. 172.

⁴⁰Ibid.; BIA, Aberdeen Area Statistics, pp. 10-12.; U.S., Office of Economic Opportunity, "Cheyenne River Sioux Community Action Agency," Self Determination: A Program of Accomplishments, by Arizona Affiliated Tribes, Inc., Indian Community Action Program (Washington: 1971), pp. 188-89.

hampered, and to a large degree haunted by the damages they have suffered as a result of the Oahe project. Their sense of loss cannot accurately be described. The meager compensation they received from the federal government can never make up for what they have lost. The rehabilitation they have received has only been moderately successful and to a large extent they are still crippled. As a result they cannot help feeling hostile toward what they perceive as the cause of their injury, which appears to be the Corps of Engineers.

The general conclusion of the Cheyenne River Sioux is that "the Corps of Engineers ain't too damn smart."⁴¹ While the Tribe does not hold the Corps entirely responsible for the damage caused by the Oahe project, the brunt of their criticism does seem to fall on that agency. The Indians not only feel that the Corps is insensitive to them as human beings but that it is completely incapable of understanding their aesthetic values. As Ellen Ducheneaux has again so aptly put it, "If the Corps had its way the entire world would be water and concrete."⁴²

Ecologically speaking, the Indians feel that the Oahe Dam is an unnatural phenomenon. They fear that the reservoir will continue to cut away at their land and that the dam may someday cause the tributaries, if not Lake Oahe itself, to silt out. Moreover, they think that all of the Pick-Sloan projects are very dangerous since, as they point out, if the Fort Peck Dam ever breaks or is bombed by an enemy of this country the resulting flash flood would sweep all of the

⁴¹Ellen Ducheneaux, interviews.

⁴²Ibid.

reservoir projects into the Gulf of Mexico and would take the entire midsection of America along with it. That might be sweet revenge for the Indians if it were not for the fact that it would also wipe out all of the Sioux tribes not fortunate enough to be on high ground.⁴³

What has been learned from the Oahe experience? The lessons for the Cheyenne River Sioux have been bitter and many. For the federal government, they appear to be few. In terms of recognizing the Native Americans as human beings with legitimate property rights the government continues to demonstrate that it has learned virtually nothing from the mistakes of the previous two centuries. In 1969, for example, the Department of the Interior proposed legislation which would make it possible for the federal government to build dams, highways, and power lines on Indian lands without tribal consent.⁴⁴ In 1970, the Interior Department's Bureau of Outdoor Recreation proposed the establishment of the Great Prairie Lakes National Recreation Area to encompass all of the reservoirs on the Missouri River from Garrison to Gavins Point. This proposed project would be administered, as might be expected, by the Corps of Engineers. The new plan would make it necessary for the Corps to acquire an additional 74,000 acres of private land in order to expand its recreational sites and provide a 300 foot buffer zone around all of the reservoirs. The Indians on Cheyenne River insist that this program is only a ploy to cover up the fact that the Corps did not take enough land when the dam projects

⁴³ Frank Ducheneaux, Lloyd Le Beau, Kermeth S. Engle, interviews.

⁴⁴ New York Times, March 16, 1969, p. 78.

were originally built and that the federal government is embarrassed by the fact that the reservoir now infringes on privately-owned land. When the government does come to buy more land, the Cheyenne River Sioux, armed with the lessons they have learned from the Oahe experience, intend to hold out for a settlement which will more than make up for their own earlier mistakes and one that will provide them with enough money to establish their own recreational facilities along the Oahe shoreline.⁴⁵

⁴⁵U.S., Department of the Interior, Bureau of Outdoor Recreation, The Middle Missouri, A Rediscovery: A Study of Outdoor Recreation Potential (Washington: Government Printing Office, 1970), pp. 4-5.; Frank Ducheneaux, Lloyd Le Beau, T. L. Traversie, interviews.

SELECTED BIBLIOGRAPHY

BOOKS

- American Indian Chicago Conference. Declaration of Indian Purpose. Chicago: 1961.
- Anderson, Harry H. "A History of the Cheyenne River Indian Agency and Its Military Post, Fort Bennett, 1868-1891." South Dakota Historical Collections. Vol. XXVII. Pierre: 1956.
- Athearn, Robert G. Forts of the Upper Missouri. Lincoln: University of Nebraska Press, 1967.
- Baumhoff, Richard G. The Dammed Missouri Valley: One Sixth of Our Nation. New York: Alfred A. Knopf, 1951.
- Brown, Dee. Bury My Heart At Wounded Knee: An Indian History of the American West. New York: Holt, Rinehart, & Winston, 1970.
- Cassel, John; Page, Etra; and Hogan, Gaynelle. Economic and Social Resources Available for Indian Health Purposes: A Study of Selected Reservations in the Aberdeen Area. Institute for Research in Social Science. University of North Carolina. Chapel Hill: University of North Carolina Press, 1956.
- Collier, John. Indians of America. New York: New American Library, 1947.
- Debo, Angie. A History of the Indians in the United States. Norman: University of Oklahoma Press, 1970.
- Deloria, Vine, Jr. Custer Died for Your Sins: An Indian Manifesto. New York: Avon Books, 1969.
- Ducheneaux, Frank. The Peace Treaty of Fort Laramie, April 29, 1868. Eagle Butte, South Dakota: By the Author, 1968.
- Ewers, John C. Indian Life on the Upper Missouri. Norman: University of Oklahoma Press, 1968.
- Farber, William O. "Representative Government: Application to the Sioux." The Modern Sioux: Social Systems and Reservation Culture. Edited by Ethel Nurge. Lincoln: University of Nebraska Press, 1970.

- Ferman, Louis A.; Kornbluh, Joyce L.; and Haber, Alan (Editors). Poverty in America: A Book of Readings. Ann Arbor: University of Michigan Press, 1965.
- Harrington, Michael. The Other America: Poverty in the United States. 2d. ed. Baltimore: Penguin Books Inc., 1971.
- Hart, Henry C. The Dark Missouri. Madison: University of Wisconsin Press, 1957.
- Hough, Henry W. Development of Indian Resources. Indian Community Action Program. Denver: World Press, 1967.
- Howard, James H. Editor and translator. The Warrior Who Killed Custer: The Personal Narrative of Chief Joseph White Bull. Lincoln: University of Nebraska Press, 1968.
- Jackson, Helen Hunt H. A Century of Dishonor: A Sketch of the United States Governments' Dealings with Some of the Indian Tribes. Boston: Roberts Brothers, 1888.
- Litterer, Oscar F. The Missouri Basin Development Program. Minneapolis: Federal Reserve Bank, 1953.
- Lowie, Robert H. Indians of the Plains. Anthropological Handbook I. American Museum of Natural History. New York: McGraw-Hill Book Co., 1954.
- Macgregor, Gordon. "Changing Society: The Teton Dakotas." The Modern Sioux: Social Systems and Reservation Culture. Edited by Ethel Nurge. Lincoln: University of Nebraska Press, 1970.
- Malan, Vernon D., and Jesser, Clinton J. The Dakota Indian Religion. Bulletin 473. Rural Sociology Department, Agricultural Extension Station, South Dakota State College. Brookings: 1959.
- Meriam, Lewis. Editor. The Problem of Indian Administration. Baltimore: Johns Hopkins Press, 1928.
- Mattison, Ray H. "Report on Historical Aspects of the Oahe Reservoir Area, Missouri River, South and North Dakota." South Dakota Historical Collections. Vol. XXVII. Pierre: 1954.
- Meyer, Roy W. History of the Santee Sioux: United States Indian Policy on Trial. Lincoln: University of Nebraska Press, 1967.
- Morgan, Arthur E. Dams and Other Disasters: A Century of the Corps of Engineers in Civil Works. Boston: Porter Sargent, 1971.

- Nelson, Bruce. Land of the Dakotahs. Minneapolis: University of Minnesota Press, 1946.
- Olson, James C. Red Cloud and the Sioux Problem. Lincoln: University of Nebraska Press, 1965.
- Powers, William K. Indians of the Northern Plains. New York: G.P. Putnam's Sons, 1969.
- Ridgeway, Marian E. The Missouri Basin's Pick-Sloan Plan. Urbana: University of Illinois Press, 1955.
- Riggs, Stephen R. Mary and I: Forty Years with the Sioux. 2d. ed. Minneapolis: Ross & Haines, 1969.
- Robbins, Roy M. Our Landed Heritage: The Public Domain 1776-1936. Lincoln: University of Nebraska Press, 1962.
- Robinson, Doane. "A History of the Dakota or Sioux Indians." South Dakota Historical Collections. Vol. II. Aberdeen: 1904.
- Schell, Herbert S. History of South Dakota. Lincoln: University of Nebraska Press, 1968.
- Steiner, Stan. The New Indians. New York: Harper & Row, 1968.
- Terral, Rufus. The Missouri Valley: Land of Drouth, Flood, and Promise. New Haven: Yale University Press, 1947.
- Underhill, Ruth M. Red Man's America: A History of Indians in the United States. Chicago: University of Chicago Press, 1953.
- Utley, Robert M. The Last Days of the Sioux. New Haven: Yale University Press, 1963.
- Vaughn, J. W. Indian Fights: New Facts on Seven Encounters. Norman: University of Oklahoma Press, 1966.
- Wedel, Waldo R. Prehistoric Man on the Great Plains. Norman: University of Oklahoma Press, 1961.

GOVERNMENT DOCUMENTS*

U. S. Congress.

_____. Congressional Directory.

*Listed chronologically by specific branches and agencies.

_____. Congressional Record.

U. S. Congress. House.

_____. Report On the Missouri River Basin. H.R. Doc. 475,
78th Cong., 2d. sess., 1944.

_____. A Bill Authorizing the Construction, Repair, and Preservation of Certain Public Works on Rivers and Harbors and For Other Purposes. H.R. 396, 78th Cong., 2d sess., 1944.

_____. A Bill to Establish a Missouri Valley Authority. H.R. 5377,
78th Cong., 2d sess., 1944.

_____. A Bill to Provide for the Acquisition of Lands by the United States for the Reservoir Created by the Construction of the Oahe Dam on the Missouri River and for the Rehabilitation of Cheyenne River Sioux Reservation, South Dakota. H.R. 2233,
83d Cong., 1st sess., 1953.

U. S. Congress. House. Committee on Interior and Insular Affairs.

_____. Fort Berthold Indian Reservation, North Dakota. Hearings before the Subcommittee on Indian Affairs. 81st Cong.,
1st sess., 1949.

_____. Authorizing the Negotiation and Ratification of Separate Settlement Contracts with the Sioux Indians of the Lower Brule and Crow Creek Reservations in South Dakota for Indian Lands and Rights Acquired by the United States for the Fort Randall Dam and Reservoir, Missouri River Development; and to Authorize An Appropriation for the Removal from the Taking Area of the Fort Randall Dam and Reservoir, Missouri River Development, and the Reestablishment of the Indians of the Yankton Sioux Indian Reservation in South Dakota. H.R. Rep. 2466, 82d Cong., 2d sess., 1952.

_____. Report with Respect to the House Resolution Authorizing the Committee on Interior and Insular Affairs to Conduct an Investigation of the Bureau of Indian Affairs. H.R. Rep. 2503,
82d Cong., 2d sess., 1952.

_____. Same title as H.R. Rep. 2466 above. H.R. Rep. 498,
83d Cong., 1st sess., 1953.

_____. Providing for the Acquisition of Lands by the United States Required for the Reservoir Created by the Construction of Oahe Dam on the Missouri River and for the Rehabilitation of the Indians of the Cheyenne River Sioux Reservation, S. Dak. H.R. Rep. 2484, 83d Cong., 2d sess., 1954.

_____. Providing Additional Payments to Indians of the Lower Brule Sioux Reservation, S. Dak., Whose Lands have been Acquired for the Fort Randall Dam and Reservoir Project. H.R. Rep. 2054, 85th Cong., 2d sess., 1958.

_____. Providing for Additional Payments to the Indians of the Crow Creek Reservation, S. Dak., Whose Lands have been Acquired for the Fort Randall Dam and Reservoir Project. H.R. Rep. 2086, 85th Cong., 2d sess., 1958.

_____. A Review of Indian Health Programs. Hearings before the Subcommittee on Indian Affairs. 85th Cong., 1st sess., 1963.

U. S. Congress. House. Committee on Public Lands.

_____. Fort Berthold Reservation, North Dakota. H.R. Rep. 544, 81st Cong., 1st sess., 1949.

U. S. Congress. Senate

_____. Conservation, Control, and Use of Water Resources of the Missouri River Basin. S. Doc. 191, 78th Cong., 2d sess., 1944.

_____. Review of Plans of Engineer Corps, Army, and Reclamation Bureau for Development of the Missouri River Basin. S. Doc. 247, 78th Cong., 2d sess., 1944.

_____. A Bill to Improve the Navigability of the Missouri River. S. 1973, 73d Cong., 2d sess., 1934.

_____. A Bill to Establish a Missouri Valley Authority. S. 2089, 78th Cong., 2d sess., 1944.

_____. A Bill to Establish a Missouri Valley Authority. S. 555, 79th Cong., 1st sess., 1945.

_____. A Bill Authorizing the Standing Rock and Cheyenne River Indian Tribes to Participate in Clearing Oahe Reservoir Area. S. 340, 87th Cong., 1st sess., 1961.

_____. A Bill to Declare that the United States shall hold Certain Land in Trust for the Three Affiliated Tribes of the Fort Berthold Reservation, N. Dak. S. 775, 91st Cong., 1st sess., 1969.

U. S. Congress. Senate. Committee on Commerce.

_____. Authorizing the Negotiation for Contracts with Indians in Connection with the Construction of Oahe Dam, S. Dak. S. Rep. 1737, 81st Cong., 2d sess., 1950.

U. S. Congress. Senate. Committee on Interior and Insular Affairs.

_____. Providing for the Acquisition of Lands by the United States Required for the Reservoir Created by the Construction of Oahe Dam on the Missouri River and for the Rehabilitation of the Indians of the Cheyenne River Sioux Reservation, S. Dak. S. Rep. 2489, 83d Cong., 2d sess., 1954.

_____. Providing Reimbursement to the Tribal Council of the Cheyenne River Sioux Reservation in Accordance with the Act of September 3, 1954. S. Rep. 1105, 85th Cong., 1st sess., 1957.

U. S. Congress. Senate. Committee on Public Works.

_____. Authorizing Standing Rock and Cheyenne River Indian Tribes to Participate in Clearing Oahe Reservoir Area. S. Rep. 690, 87th Cong., 1st sess., 1961.

U. S. Department of the Army. Corps of Engineers. Missouri River Division. Omaha District.

_____. Oahe Reservoir: Archeology, Geology, History. By Warren W. Caldwell and Hubert G. Smith. Omaha: 1962

_____. "Welcome to Oahe Dam." Omaha: 1970.

_____. "Fort Peck Dam-Fort Peck Lake." Omaha: 1972.

_____. "Oahe Dam-Lake Oahe." Omaha: 1972.

U. S. Department of Commerce. Bureau of Census.

_____. United States Census of Population: 1950. Vol. I. Characteristics of Population. Part 1. United States Summary. Part 41. South Dakota.

U. S. Department of Health, Education, and Welfare. Indian Health Service.

_____. Summary of Indian Health Service Reports in South Dakota. Aberdeen: 1968.

U. S. Department of the Interior.

_____. Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior. Washington: Government Printing Office, 1880-89.

_____. Annual Report of the Secretary of the Interior. Washington: Government Printing Office, 1944-72.

U. S. Department of the Interior. Bureau of Indian Affairs.

- _____. Fact Sheet on Cheyenne River Indian Reservation, South Dakota. Aberdeen: 1970.
- _____. Fact Sheet on the Sioux. Washington: Government Printing Office, 1970.
- _____. Aberdeen Area Statistical Data, 1971. Aberdeen: 1971.
- _____. The States and Their Indian Citizens. By Theodore W. Taylor. Washington: Government Printing Office, 1972.
- U. S. Department of the Interior. Bureau of Indian Affairs. Missouri River Basin Investigations Project. Billings, Montana.
- _____. MRBI Rep. No. 14. Oahe Dam and Reservoir: Effect of Its Construction on the Basic Economy of the Cheyenne River Reservation. 1947
- _____. MRBI Rep. No. 29. Effects of the Oahe Reservoir Project on the Cheyenne River and Standing Rock Reservations. 1947.
- _____. MRBI Rep. No. 67. The Indians and the Pick-Sloan Plan. 1948.
- _____. MRBI Rep. No. 70. Effects of the Fort Randall Project on Crow Creek and Lower Brule Reservations. 1949.
- _____. MRBI Rep. No. 108. Listings of Missouri River Basin Investigations Reports. 1950. Revised 1970.
- _____. MRBI Rep. No. 117. Socio-Economic Report and Costs of Removal from Oahe Taking Area, Cheyenne River Reservation, South Dakota. 1951.
- _____. MRBI Rep. No. 120. Location and Census of Indian Cemeteries, Cheyenne River Indian Reservation, South Dakota. 1951.
- _____. MRBI Rep. No. 131. The Timber Resources of the Cheyenne River and Standing Rock Reservations within the Taking Area of the Oahe Reservoir in North and South Dakota. 1952.
- _____. MRBI Rep. No. 152. Progress Report on Individual and Tribal Rehabilitation Programs of the Cheyenne River Sioux People to December 31, 1956. 1957.
- _____. MRBI Rep. No. 157. Present Status and Projected Needs of Cheyenne River Rehabilitation Program as of April 15, 1958. 1958.

- _____. MRBI Rep. No. 190. Evaluation of the Livestock Phase, Cheyenne River Rehabilitation Program. 1968.
- U. S. Department of the Interior. Bureau of Outdoor Recreation.
- _____. The Middle Missouri, A Rediscovery: A Study of Outdoor Recreation Potential. Washington: Government Printing Office, 1970.
- U. S. Department of the Interior. National Park Service.
- _____. Introduction to Middle Missouri Archeology. By Donald J. Lehmer. Anthropological Papers I. Washington: Government Printing Office, 1971.
- U. S. District Court. South Dakota District. Norther Division. Sioux Falls, South Dakota.
- _____. U.S. vs. 2005.32 Acres of Land, More or Less, Situated in Corson County, South Dakota; and Sioux Indians of Standing Rock Reservation, et. al, and Unknown Owners, Defendents. Civil No. 722 N. D., Tract R. 1825, March 10, 1958.
- U. S. Office of Economic Opportunity.
- _____. "Cheyenne River Sioux Community Action Agency." Self Determination: A Program of Accomplishments. By Arizona Affiliated Tribes, Inc. Indian Community Action Program. Washington: 1971.
- U. S. Smithsonian Institution. Bureau of American Ethnology.
- _____. Handbook of American Indians North of Mexico. Edited by Frederick Webb Hodge. Bulletin 30. Washington: Government Printing Office, 1912.
- _____. Teton Sioux Music. By Frances Densmore. Bulletin 61. Washington: Government Printing Office, 1918.
- _____. "Use of Plants by the Indians of the Missouri River Region." By Melvin Randolph Gilmore. Thirty-Third Annual Report of the Bureau of American Ethnology. Washington: Government Printing Office, 1919.
- U. S. Statutes at Large.

INTERVIEWS

Agard, Ajo. Fort Yates, North Dakota. August 8, 1972

Dollar, Clyde. Vermillion, South Dakota. July 23, 1972.

Ducheneaux, Ellen. Eagle Butte, South Dakota. July 31, August 1, 1972.

Ducheneaux, Frank. Cheyenne River Sioux Reservation, South Dakota.
July 30, 31, 1972.

Engle, Kermeth S. Fort Yates, North Dakota. August 9, 1972.

Farmer, Rusty. Eagle Butte, South Dakota. August 2, 1972.

Garreaux, Hazel. Eagle Butte, South Dakota. August 2, 1972.

Kritzsinger, Donald. Pierre, South Dakota. July 27, 1972

Le Beau, Gladys. Eagle Butte, South Dakota. August 3, 1972.

Le Beau, Lloyd. Eagle Butte, South Dakota. July 31, 1972.

Pennington, Donald. Eagle Butte, South Dakota. August 3, 1972.

Traversie, T. L. Eagle Butte, South Dakota. July 31, 1972.

MANUSCRIPT COLLECTIONS

University of South Dakota. Collections. American Indian Research
Project.

NEWSPAPERS

NEWSPAPERS

Aberdeen American News.

Corson County News.

Eagle Butte News.

McLaughlin Messenger.

New York Times.

Omaha Evening World-Herald.

Pierre Daily Capitol Journal.

Potter County News.

St. Louis Post-Dispatch.

Sioux County Pioneer-Arrow.

Sioux Falls Argus-Leader.

PERIODICALS and JOURNALS

Arthur, William B. "MVA-Its Background and Issues."

Congressional Digest, XXIX (January, 1950), pp. 13-14.

Deloria, Vine, Jr. "This Country was A Lot Better Off When the Indians Were Running It." New York Times Magazine, March 8, 1970, pp. 27-52.

Hofsommer, Donovan L. "The Watertown Express and 'Hog and Human': M & St. L. Passenger Service in South Dakota." South Dakota History, II (Spring, 1973).

Merwin, Jack. "Those Dam Walleyes." Outdoor Life, April, 1973, pp. 61-64.

Meyer, Roy W. "Fort Berthold and the Garrison Dam." North Dakota History, XXXV (Summer and Fall, 1968), pp. 220-355.

Newcomb, W. W., Jr. "A Re-Examination of the Causes of Plains Warfare." American Anthropologist, LII (April-June, 1950), pp. 317-30.

TRIBAL RECORDS

Cheyenne River Redevelopment Committee. Overall Economic Development Plan for Cheyenne River Redevelopment Area. Eagle Butte: 1969.

Cheyenne River Sioux Tribal Records. Cheyenne River Sioux Tribal Council Files. Eagle Butte, South Dakota.