

# **SIoux INDIANS WOUNDED KNEE MASSACRE**

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## **HEARINGS**

**BEFORE THE**

## **SUBCOMMITTEE ON INDIAN AFFAIRS HOUSE OF REPRESENTATIVES**

**SEVENTY-FIFTH CONGRESS**

**THIRD SESSION**

**ON**

## **H. R. 2535**

**TO LIQUIDATE THE LIABILITY OF THE UNITED STATES  
FOR THE MASSACRE OF SIOUX INDIAN MEN,  
WOMEN, AND CHILDREN AT WOUNDED  
KNEE ON DECEMBER 29, 1890**

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**MARCH 7, AND MAY 12, 1938**



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March 13, 1917 by Gen. Nelson A. Miles. General Miles, addressing the then Commissioner of Indian Affairs, wrote in part:

"In my opinion, the least the Government can do is to make a suitable recompense to the survivors \* \* \* for the great injustice which was done them and the serious loss of their relatives and property."

The Wounded Knee incident properly has been called a "massacre." The historical facts are here set down as a basis for judgment by the Congress.

The unrest and distress among the Sioux bands had increased in its intensity through a number of years prior to 1890. The causes of the Sioux misery need not here be recapitulated. There had been ruthless violations of treaties and agreements, and numerous administrative abuses. It scarcely was possible for the Indians themselves to know what spots they were permitted to inhabit and what they were forbidden to inhabit, so sweeping and so casual had been the violations and unilateral abrogations of contract on the part of the Government. One of the responses of the Sioux Indians, as of numerous other tribes similarly distressed, was the flight into Messianic religious revivals. The Messianic revival among the Sioux was known as the ghost dance religion.

It is important to note that these Messianic revivals had taken place from time to time for many years among many Indian tribes and in no instance had they thrown the Indians into aggressive warfare with the whites. Neither acts of war, nor massacres nor depredations, had resulted from the numerous messianic revivals. This record was known to the Government at the time.

The four hundred or more Sioux Indians at the Wounded Knee site consisted of family groups—men, women, and children. The camp site was surrounded by troops of the Seventh Cavalry and artillery was trained upon the Indian encampment. The Indians were called upon to surrender their weapons, and this they proceeded to do. Be it noted, that their weapons were not necessarily weapons of war. These Indians, at this time, lived by the chase, so that in giving up their weapons they were exposing themselves to possible starvation. Nevertheless, the surrender of weapons proceeded.

At this point, the narrative of General Miles, contained in his letter cited above, may be quoted:

"\* \* \* Colonel Forsyth \* \* \* demanded the surrender of the arms from the warriors. This was complied with by the warriors going out from camp and placing the arms on the ground where they were directed. Chief Big Foot, an old man, sick at the time and unable to walk, was taken out of a wagon and laid on the ground.

"While this was being done a detachment of soldiers was sent into the camp to search for any arms remaining there, and it was reported that their rudeness frightened the women and children. It is also reported that a remark was made by some one of the soldiers that 'when we get the arms away from them we can do as we please with them', indicating that they were to be destroyed. Some of the Indians could understand English. This and other things alarmed the Indians and a scuffle occurred between one warrior who had a rifle in his hand and two soldiers. The rifle was discharged and a massacre occurred, not only the warriors but the sick Chief Big Foot, and large number of women and children who tried to escape by running and scattering over the prairie were hunted down and killed.

"The official reports make the number killed 90 warriors and approximately 200 women and children.

"The action of the commanding officer, in my judgment at the time, and I so reported was most reprehensible. The disposition of his troops was such that in firing upon the warriors they fired directly toward their own lines and also into the camp of the women and children, and I have regarded the whole affair as most unjustifiable and worthy of the severest condemnation."

The recital by General Miles gives an incomplete picture. The files of the Indian Office contain a remarkable stenographic report of the testimony of the Sioux delegation at Washington, February 11, 1891. This eye-witness' testimony emphasizes the fact that the men and the women of the tribe were in different places at the time when the killing got under way, and that they fled in different directions, so that the slaughter of the women and children necessarily was an action of massacre pure and simple. A portion of the testimony follows:

"TURNING HAWK. All the men who were in a bunch were killed right there, and those who escaped that first fire got into the ravine and as they went along up the ravine for a long distance they were pursued on both sides by the soldiers and shot down, as the dead bodies showed afterward. The women were standing off at a different place from where the men were stationed, and when the firing began those of the men who escaped the first onslaught went in one direction up the ravine, and the women who were bunched together at another place went entirely in a

different direction through an open field, and the women fared the same fate as the men who went up the deep ravine.

"AMERICAN HORSE. The men were separated as has already been said from the women, and they were surrounded by the soldiers. Then came next the village of the Indians and that was entirely surrounded by the soldiers also. When the firing began, of course the people who were standing immediately around the young man who fired the first shot were killed right together, and then they turned their guns, Hotchkiss guns, and so forth, upon the women who were in the lodges standing there under a flag of truce, and of course as soon as they were fired upon they fled, the men fleeing in one direction and the women running in two different directions. So that there were three general directions in which they took flight.

"There was a woman with an infant in her arms who was killed as she almost touched the flag of truce, and the women and children of course were strewn all along the circular village until they were dispatched. Right near the flag of truce a mother was shot down with her infant; the child not knowing that its mother was dead was still nursing, and that was especially a very sad sight. The women as they were fleeing with their babes on their backs were killed together, shot right through, and the women who were very heavy with child were also killed. All the Indians fled in these three directions, and after most all of them had been killed a cry was made that all those who were not killed or wounded should come forth and they would be safe. Little boys who were not wounded came out of their places of refuge, and as soon as they came in sight a number of soldiers surrounded them and butchered them there.

"Of course we all feel very sad about this affair. I stood very loyal to the Government all through those troublesome days, and believing so much in the Government and being so loyal to it, my disappointment was very strong, and I have come to Washington with a very great blame on my heart. Of course it would have been all right if only the men were killed; we would feel almost grateful for it. But the fact of the killing of the women and more especially the killing of the young boys and girls who are to go to make up the future strength of the Indian people, is the saddest part of the whole affair and we feel it very sorely."

To my report of June 20, 1898, on H. R. 11778, the Seventy-fourth Congress, I appended excerpts from an authoritative historical work, the "Ghost Dance Religion", written by James Mooney, of the Bureau of American Ethnology, together with a statement by Dr. John P. Harrington of the Bureau of American Ethnology, relative to the ghost-dance religion and the messianic revivals, referred to in my communication.

During the year 1920, 75 of the then survivors of the massacre were interviewed by Maj. James McLaughlin of the Indian Office. Major McLaughlin had been the Indian agent in charge of the Standing Rock Reservation during 1890 and 1891. The 75 interviews bring out with particular clearness that the gathering of the Sioux at Wounded Knee was not a gathering for purposes of fighting. The families had with them substantially all of transportable goods which they owned, i. e., substantially their whole properties. One typical interview among the 75 reads as follows:

"Hakiktawin, 47 years of age, now the wife of William Knocks them Down, of Bullhead district stated that she was in the Wounded Knee conflict with United States troops, that she was then 18 years of age and was wounded in the right foot; that her father Hawk Bear, his sister, Yusonpawin, 12 years old, and her brother Zupschigela, 6 years of age and grandmother, Cipagelutawin, were all four killed outright, and her mother Cetan-Wanbliwin, shot through the body, left side, from which she subsequently died, and she further stated that her father, Hawk Bear, had with him at Wounded Knee nine horses, one tepee, Winchester rifle, family bedding, cooking utensils, two riding saddles, three pack saddles and several brides, all of which property was lost to the family there and never recovered."

From the interviews taken down by Major McLaughlin it is apparent that the blankets, saddles, ceremonial paraphernalia, and the surviving animals of the Indian victims, were taken possession of by other parties, immediately following the slaughter of most of the owners of the property. The Army was in complete possession of the field at the time, hence the Government must be held responsible for the operations of loot which followed the massacre.

The bill, H. R. 2635, would authorize an appropriation in the name of each victim killed in the massacre of the sum of \$1,000, and in the name of each victim wounded in the massacre an equal amount to be paid to the survivor or to be distributed among the heirs. The date of the Wounded Knee Massacre was December 29, 1890, or 46 years ago. The massacre can be viewed both as an

injury to the individuals who were killed or wounded and as an injury to the entire Sioux Tribe. Redress, therefore, could be attempted through the method of pensioning individuals or through creating some new advantage for the tribe as a whole, as, for example, a more generous relief to the indigent and infirm, or the establishment of an orthopedic hospital for all the Sioux, and so forth.

In reporting on H. R. 11778, the Seventy-fourth Congress, the Acting Director of the Bureau of the Budget transmitted a lengthy communication from the Acting Secretary of War recommending adverse action on this bill.

The Acting Director of the Bureau of the Budget has advised "That the proposed legislation would not be in accord with the program of the President."

Sincerely yours,

CHARLES WEST,  
*Acting Secretary of the Interior.*

JUNE 3, 1936.

HON. DANIEL W. BELL,  
*Acting Director, Bureau of the Budget,  
Washington, D. C.*

DEAR MR. BELL: Careful consideration has been given to H. R. 11778, Seventy-fourth Congress, second session, a bill to liquidate the liability of the United States for the massacre of Sioux Indian men, women, and children at Wounded Knee on December 29, 1890, and the proposed report of the Secretary of the Interior, transmitted by your letter of May 23, 1936, in which you requested the view of the Department with respect to the proposed legislation.

An examination of the records on file in this office shows that on January 4, 1891, Maj. Gen. Nelson A. Miles, commanding Division of The Missouri, issued Special Order No. 8 which read as follows:

"In order to comply with the telegraphic instructions of the President of the United States, Col. E. A. Carr, Sixth Cavalry, Maj. Jacob F. Keat, Fourth Infantry, A. I. G., are hereby directed to make an immediate inquiry into and examination of, all the circumstances and acts connected with the disarming of a band of Indians by troops under the command of Col. James W. Forsyth, Seventh Cavalry, encamped on Wounded Knee Creek, S. Dak., December 29, 1890.

"They will ascertain whether the disposition made of the troops was judicious, and such as should be made to prevent unnecessary destruction of life while disarming the Indians, and whether the troops were so placed as to make their power most effective in case of resistance.

"They will also ascertain whether any noncombatants were unnecessarily injured or destroyed, and whether orders that have been given, prohibiting commanding officers from allowing their commands to be mixed up with armed bodies of Indians, have been complied with.

"They will render a full report of what was done with or by the commands in that affair, putting the result of their examination in such form as to render full and impartial justice to all concerned, and sustain the character and integrity of the service."

After a careful review of the testimony adduced at the investigation the then Secretary of War on February 12, 1891, issued the following memorandum to the Major General commanding the Army, which contains a brief statement of the pertinent facts relative to the engagement between the Indians and the United States forces at Wounded Knee Creek, December 29, 1890:

"From the testimony taken by Major Kent and Captain Baldwin, two officers of General Miles' staff, ordered by him to investigate the fight at Wounded Knee, it appears that before the action Big Feet's band had been joined by Sitting Bull's following, and these hands embraced the most fanatical and desperate element among the Sioux. They surrendered because of the necessities of their situation rather than from a submissive spirit. It was the sullen and unwilling yielding of a band of savage fanatics, who were overmatched and out of food, to superior forces. It was not in good faith on the part of the younger braves, at least, but yet not with any definite prearranged plan of treachery.

"The surrender was made to Major Whitside, commanding the First Battalion of the Seventh Cavalry, on the afternoon of December 28. Colonel Forsyth was ordered up to his support and arrived at 8:45 that evening.

"It was manifestly an imperative necessity to prevent the escape of any of those desperadoes during the process of disarming or as a consequence of the attempt to disarm them, for such escape would probably have resulted in a destructive raid upon the settlements. The troops appear to have been well disposed to prevent an outbreak which was set and could hardly have been anticipated by



anyone, under the circumstances, even in dealing with Indians, and the dispositions made appear to have had the desired effect of convincing at least a majority of the Indians of the futility of any attempt to escape. If treachery was premeditated by any of the Indians, which seems extremely improbable, the majority of them were deterred from attempting to execute it, until incited by the speech of the ghost dancer.

"The disarmament was commenced and it was evident that the Indians were sullenly trying to evade the order. To carry out this order the men had been ordered out from their camp, to separate them from their women and children, and were formed about a hundred yards away, and troops K and B were posted midway between them and their tepees. When ordered to surrender their arms they produced two broken carbines and stated that was all they had, but when the partial search of the tepees was made before the firing commenced, about 40 arms were found, the squaws making every effort to conceal the same by hiding and sitting on them, and in various other ways evincing a most sullen mien. The disarmament was much more thorough than they expected, and when they found that the arms were to be taken from their tepees, and those they had concealed under their blankets were to be taken away also, they were carried away by the harangue of the ghost dancer, and wheeling about, opened fire. Nothing illustrates the madness of their outbreak more forcibly than the fact that their first fire was so directed that every shot that did not hit a soldier must have gone through their own village.

"There is little doubt that the first killing of women and children was by this first fire of the Indians themselves. They then made a rush to break through and around the flanks of Troop E, commanded by the gallant Captain Wallace, and reached their tepees, where many of them had left their arms with the squaws, and they continued the firing from among their own women and children, and when they started from their camp, their women and children were mingled with them. The women and children were never away from the immediate company of the men after the latter broke from the circle. Many of them, men and women, got on their ponies, and it is impossible to distinguish buck from squaw at a little distance when mounted. The men fired from among the women and children in their retreat. Cautions were repeatedly given both by officers and noncommissioned officers not to shoot squaws or children, and men were cautioned individually that such and such Indians were squaws. The firing by the troops was entirely directed on the men in the circle and in a direction opposite from the tepees until the Indians, after their break, mingled with their women and children, thus exposing them to the fire of the troops and, as a consequence, some were unavoidably killed and wounded, a fact which was universally regretted by the officers and men of the Seventh Cavalry. This unfortunate phase of the affair grew out of circumstances for which the Indians themselves were entirely responsible. Major Whitside emphatically declares that at least 50 shots were fired by the Indians before the troops returned the fire. Several special instances of humanity in the saving of women and children were noted.

"That it resulted in the loss of the lives of many good soldiers and the wounding of many others, as well as the almost total destruction of the Indian warriors, was one of the inevitable consequences of such acts of insane desperation.

"The bodies of an Indian woman and three children who had been shot down 3 miles from Wounded Knee were found some days after the battle and buried by Captain Baldwin of the Fifth Infantry on the 21st day of January; but it does not appear that this killing had any connection with the fight at Wounded Knee, nor that Colonel Forsyth is in any way responsible for it. Necessary orders will be given to insure a thorough investigation of the transaction and the prompt punishment of the criminals.

"No doubt the position of the troops made it necessary for some of them to withhold their fire for a time in order that they might not endanger the lives of their comrades, but both Major Kent and Captain Baldwin concur in finding that the evidence 'fails to establish that a single man of Colonel Forsyth's command was killed or wounded by his fellows.' This fact, and, indeed, the conduct of both officers and men through the whole affair demonstrates an exceedingly satisfactory state of discipline in the Seventh Cavalry. Their behavior was characterized by skill, coolness, discretion, and forbearance, and reflects the highest possible credit upon the regiment, which sustained a loss of 1 officer, and 24 enlisted men killed and 2 officers and 31 enlisted men wounded.

"The situation at Wounded Knee Creek was a very unusual and a very difficult one, far more difficult than that involved in an ordinary battle, where the only question is of gaining a victory without an effort to save the lives of the enemy. It is easy to make plans when we look backward, but in the light of actual condi-

tions, as they appeared to the commanding officer, there does not seem to be anything in the arrangement of the troops requiring adverse criticism on the part of the Department.

"I therefore approve of the endorsement of the Major General Commanding, that the interests of the military service do not demand any further proceedings in this case. By direction of the President, Colonel Forsyth will resume command of his regiment."

With regard to the statements alleged to have been made by Gen. Nelson A. Miles on March 13, 1917, to the then Commissioner of Indian Affairs, no record has been found in this Department to show that such a report was made through the War Department or by knowledge of the War Department.

However, Gen. Nelson A. Miles in submitting the proceedings of the investigation of the conflict at Wounded Knee on January 31, 1891, made the following statement:

"In disposing of this matter it has been desired to treat Colonel Forsyth with the utmost consideration. But as it is important to the best interests of the service that skill and heroism should be rewarded, so also is it important that incompetency and neglect, when found, should not pass unnoticed. It would be utterly subversive of military discipline to overlook a neglect and disregard of warnings and orders on the part of an officer, particularly when such neglect and disregard may have involved the lives of brave men and jeopardized the success of the military operations in hand.

"Certain features of the affair at Wounded Knee Creek were so unusual and extraordinary, and such injurious reports were current immediately thereafter, as to imperatively demand an investigation in order to ascertain and record as accurately as possible all the facts, so that an intelligent opinion might guide in the bestowal of commendation or censure. The testimony elicited shows the following facts: First, that Colonel Forsyth had received repeated warnings as to the desperate and deceitful character of Big Foot's band of Indians, and repeated orders as to the exercise of constant vigilance to guard against surprise or disaster under all circumstances.

"Secondly, that those warnings and orders were unheeded and disregarded by Colonel Forsyth, who seemed to consider an outbreak of the Indians as being beyond the pale of possibility, in the presence of the large force of troops at hand. The disasters that have occurred to our troops in the past from the desperation of the Indian nature are known to all who are familiar with our history. In addition to this it was well known and Colonel Forsyth had been warned that this particular band contained many of the most desperate and deceitful characters in the Sioux Nation, and that a religious excitement nearly approaching frenzy had made them peculiarly dangerous. Under these circumstances the apparent indifference and security of the officer in command of the troops at Wounded Knee Creek is incomprehensible and inexcusable.

"Thirdly, an examination of the accompanying map and testimony shows conclusively that at the beginning of the outbreak not a single company of the troops was so disposed as to deliver its fire upon the warriors without endangering the lives of some of their own comrades. It is in fact difficult to conceive how a worse disposition of the troops could have been made. It will be noticed that it would have been perfectly practicable for the entire command of upward of 450 men to have been placed between the warriors and the women and children, with their backs to the latter and their faces toward the warriors, where they might have used their weapons effectively if required.

"The testimony goes to show that most of the troops were forced to withhold their fire, leaving the brunt of the affair to fall upon two companies until such warriors as had not been killed broke through or overpowered the small force directly about them and reached the camp occupied by their women and children. The battery of four Hotchkiss guns had until then been useless, the friction primers having been removed from the guns by order of the captain commanding the battery, lest the gunners might in their excitement discharge the pieces and destroy their own comrades. These guns were now opened upon the Indian camp, even at that time placing in peril Troops C and D, Seventh Cavalry, which were obliged to retreat for some distance owing to the fire from these guns and from the small arms of other portions of the command. The fact that a large number of the 106 warriors were without firearms when the outbreak occurred is shown by the evidence that 48 guns had been taken from the tepees and that a personal search of 20 or more warriors resulted in finding them unarmed. This fact taken in connection with the extremely injudicious disposition of the troops, and the large number of casualties among them, constrains the belief that some of these casualties were suffered at the hands of our own men. The fatal disposition of

the troops was such as at the outset to counteract in great measure the immense disparity of strength, and would have been inexcusable in the face of an armed and desperate foe even had no special warnings and orders been received from higher authority. I can only partially account for the singular apathy and neglect of Colonel Forsyth upon the theory of his indifference to and contempt for the repeated and urgent warnings and orders received by him from the division commander, or by his incompetence, and entire inexperience in the responsibility of exercising command where judgment and discretion are required.

"I also forward herewith report of Capt. Frank D. Baldwin, Fifth Infantry, concerning the finding of the bodies of a party of women and children about 3 miles from the scene of the engagement on Wounded Knee Creek. This report indicates the nature of some of the results of that unfortunate affair, results which are viewed with the strongest disapproval by the undersigned."

On February 4, 1891, Maj. Gen. J. M. Schofield, commanding general of the Army, in submitting the proceedings and the statement of Gen. Nelson A. Miles, stated that:

"The interests of the military service do not, in my judgment, demand any further proceedings in this case, nor any longer continuance of Colonel Forsyth's suspension from the command of his regiment.

"The evidence in these papers shows that great care was taken by the officers and generally by the enlisted men to avoid unnecessary killing of Indian women and children in the affair at Wounded Knee, and shows that the conduct of the Seventh Cavalry under very trying circumstances was characterized by excellent discipline and, in many cases, by great forbearance. In my judgment the conduct of the regiment was well worthy of the commendation bestowed upon it by me in my first telegram after the engagement."

This matter has been heretofore carefully and thoroughly investigated by the War Department and it is evident from the above-quoted statement of the Secretary of War that the military forces were completely vindicated from any blame in the affair at Wounded Knee Creek on December 29, 1890. There appears to be no reason why the surviving Sioux Indians or their next of kin should be reimbursed by the United States Government for the result of an action for which, insofar as the records of the Department show, they were responsible. So far as this Department is able to ascertain there is no justification for the legislation proposed and the War Department strongly recommends that H. R. 11778 be not favorably considered.

Sincerely yours,

(Signed) MALIN CRAIG,  
*Acting Secretary of War.*

Inclosures. (Copy of proposed Interior Department report with inclosures.)

Mr. MURDOCK. I think it would be well to have, first, a statement from Congressman Case.

## STATEMENT OF HON. FRANCIS H. CASE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF SOUTH DAKOTA

Mr. FRANCIS H. CASE. Mr. Chairman and members of the committee, this is a somewhat unusual bill to come before the Indian Affairs Committee. It calls for the liquidation of the liability on the part of the United States Government for the killing of some unarmed men, women, and children, who had surrendered, and were in custody of United States troops.

The report of the Secretary of the Interior calls attention to the statement of Gen. Nelson A. Miles, made on March 13, 1917. Addressing the then Commissioner of Indian Affairs, General Miles wrote in part, as follows:

In my opinion, the least the Government can do is to make a suitable recompense to the survivors \* \* \* for the great injustice which was done them and the serious loss of their relatives and property.

It is impossible to understand the Wounded Knee massacre, and what it means to the Sioux people without extending the background

to show the circumstances under which this surrender was made, and, with the permission of the committee, I would like to ask Maj. Ralph H. Case to give us a little information on that point. I, therefore, ask that he may have the floor for 5 or 10 minutes, because, by reason of his great knowledge of Sioux Indian history and his work on behalf of the tribe as a whole, he can furnish some particular information on this matter that I think would be of real value to the committee.

Mr. MURDOCK. Do I understand that Mr. Case is attorney for the Sioux Tribe?

Mr. FRANCIS H. CASE. Major Case is attorney for the Sioux Tribe, but he is not attorney for the Wounded Knee Survivors' Association.

Mr. MURDOCK. We will be glad to hear Mr. Case at this time.

**STATEMENT OF RALPH H. CASE, SOUTHERN BUILDING, WASHINGTON, D. C., ATTORNEY FOR THE SIOUX INDIAN TRIBE**

Mr. RALPH H. CASE. Mr. Chairman and members of the committee, I am attorney for the Sioux Tribe. My associates are Messrs. Kingman Brewster and J. S. Y. Ivins. However, we do not appear here in our capacity as attorneys. This particular slaughter of women and children and unarmed men was, to our mind, so outrageous that we would not under any circumstances accept anything in the way of attorneys' fees from this Survivors Association. For that reason, we prefer that the record should show that this is one Indian claim that is not fomented nor engendered by attorneys for the tribe, but comes solely from the people themselves.

This Survivors Association is one of long standing, having been created shortly after the massacre of Wounded Knee.

Congressman Case has asked that I make a statement concerning the background of this matter, and I am very glad to lay before the committee a map showing the area occupied by the Sioux. I have a copy of the map for each member of the committee. You have before you a map showing the immediate area of the Wounded Knee massacre, and this particular point [indicating] cross-hatched, is where Chief Big Foot came on to the scene of the killing.

This map which I submit to the committee, and which I will be glad to leave with you, indicates the area occupied and controlled by the Sioux Tribe up to the discovery of gold in California. The Sioux Tribe had reached a state of economic independence at that time. They were numerous, they were well mounted and were well armed. They controlled the area which is shown within the hatched line extending from the Mississippi River on the east to the Big Horn Mountains on the west, here [indicating] along the Missouri River, here, including Kansas on the south and over as far as here [indicating] on the north, including North Dakota. This area, as is shown here on the map, was occupied by the Sioux Tribe at that time (1850).

In the control of this vast area of land by the Sioux Tribe of Indians, there were three factors involved. One of the factors or causes was its geographical location with reference to the Missouri River because, as you will see, the Missouri River practically bisects the area occupied by the Sioux Tribe. The Missouri River was a natural route for migration, and travel up and down the river. All up and down the Missouri River, the traders established trading posts. The

Indians traded along the river bank, the river bank constituting their trading counter. The second element involved in the control of this area was the Spanish horse. This plain would have been almost impossible for extensive traffic except by mounted bands. The third element that served to bring about this condition, and which gave them their stock in trade, was the fact that over this particular area there roamed immense herds of buffalo. There were three great buffalo migratory routes, all extending north and south, and all three of them were directly within that particular area. One of the lines of migration of the buffalo lay down the valley of the James River, thence crossing the Missouri River, and thence south to the valley of the Platte. A second great migratory route lay between the Black Hills, in South Dakota, and along the Missouri, while the third great route was west of the Black Hills, east of the Big Horn Mountains, and up the valley of Powder River. Those routes of migration gave the Sioux Tribe furs and robes with which to conduct their trade, at places where they could exchange buffalo hides and other skins with the white traders. The other factor, the Spanish horse, served to give them mobility. Those three causes produced the result I have mentioned, that is, the control of this vast area by the Sioux Tribe.

In 1848 gold was discovered in California, and in 1849 there was a heavy movement over the California trail, which is indicated here [indicating] on the map. In 1849, 80,000 people traveled over that route. That route was directly through the winter grazing ground of the great buffalo herds. There was an immense traffic over this California trail, with depredations by whites and, also, depredations by Indians. This resulted in the treaty of September 1851, by which the Sioux Indians agreed to remain north of the Platte River. The years passed over without disturbance, with the exception of a few unwarranted attacks upon the Sioux in 1855 and 1856. Peace followed thereafter until the discovery of gold in Montana in 1861. Very little traffic went into Montana immediately after the discovery of gold, but upon the close of the Civil War, in 1865, vast bodies of men were diverted from the California trail, and took a northwesterly direction up along the Big Horn Mountains, bringing them through the summer hunting grounds of the Sioux. That resulted in conflict between the Sioux Tribe and the United States and that conflict was not settled until 1868, at which time a treaty of peace was made at Fort Laramie, under which the forts along that route were dismantled and abandoned by the United States, and the route itself was closed. The area west of the Black Hills was reserved to the Sioux Tribe as hunting lands. That portion of what is now the State of South Dakota, west of the Missouri River, together with the agencies on the east bank of the river, was granted in perpetuity, to the Sioux Tribe as a permanent reservation. They did not relinquish their hunting rights north of the Platte River and each of the Big Horn Mountains.

Mr. FRANCIS H. CASE. You say it was granted to them in perpetuity: Will you tell the committee how "perpetuity" is described in the treaty?

Mr. RALPH H. CASE. I will read the language of the treaty. Article 2 of the treaty of 1868, reads as follows:

The United States agrees that the following district of country, to-wit, viz.: Commencing on the east bank of the Missouri River, where the forty-sixth parallel of north latitude crosses the same, thence along low water mark down said east

bank to a point opposite where the northern line of the State of Nebraska strikes the river, thence west across said river, and along the northern line of Nebraska to the one hundred and fourth degree of longitude west from Greenwich, thence north on said meridian to a point where the forty-sixth parallel of north latitude intercepts the same, thence due east along said parallel to the place of beginning; and in addition thereto, all existing reservations on the east bank of said river shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them; and the United States now solemnly agrees that no persons except those herein designated and authorized so to do, and except such officers, agents, and employees of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, or in such territory as may be added to this reservation for the use of said Indians, and henceforth they will and do hereby relinquish all claims or rights in and to any portion of the United States or Territories, except such as is embraced within the limits aforesaid, and except as hereinafter provided.

Now, by the provisions of article 16 of the same treaty, the United States agreed—

That the country north of the North Platte River and east of the summit of the Big Horn Mountains shall be held and considered to be unceded Indian territory, and also stipulates and agrees that no white persons or person shall be permitted to settle upon or occupy any portion of the same; or without the consent of the Indians first had and obtained to pass through the same; and it is further agreed by the United States that within 90 days after the conclusion of peace with all the bands of the Sioux Nation, the military posts now established in the Territory in this article named shall be abandoned, and that the road leading to them and by them to the settlements in the Territory of Montana shall be closed.

The treaty also provided, in article 11, that the tribes reserve the right "to hunt on any lands north of North Platte, and on the Republican Fork of the Smoky Hill River, so long as the buffalo may range thereon in such numbers as to justify the chase."

Mr. FRANCIS H. CASE. Is it not a fact that in some portions of the treaty it was stated that this great reservation was reserved to the Sioux as long as the waters should flow or the sun should shine?

Mr. RALPH H. CASE. In the conversations between the Commissioners who negotiated the treaty, headed by Gen. William Tecumseh Sherman, chairman, and the Indians, it was stated that they had reserved their rights as long as the grass should grow and the sun should shine.

Mr. MURDOCK. Major Case, when you spoke of that last provision, with reference to the route being closed, does that refer to the Oregon Trail?

Mr. RALPH H. CASE. That referred to the Powder River Road, east of the Big Horn Mountains.

Mr. MURDOCK. Does that coincide with the historic Oregon Trail?

Mr. RALPH H. CASE. Not exactly. The Oregon Trail forks from the California trail at a point west of that shown on the map.

Mr. MURDOCK. At Fort Hall?

Mr. RALPH H. CASE. It diverges from there, away from Fort Hall, along the Snake River.

Mr. MURDOCK. I was confused about that. I thought this was the Oregon Trail, but I see it is not.

Mr. RALPH H. CASE. It diverges at a point further west.

Now, we were at the point where the Powder River Road had been closed under the treaty of peace. A settlement was made, and thereafter peace obtained for only a few years, or until 1874, when Col.

George A. Custer, with a large detachment from Fort Abraham Lincoln, N. Dak., went down through this territory, which was reserved to the Sioux Tribe under the treaty of 1868, and penetrated into the central portion of the Black Hills, there he discovered gold, and then returned to Fort Abraham Lincoln. As a result of the discovery of gold in that area, there immediately began a movement on the part of the general public into the Black Hills area.

That Black Hills area was practically in the center of the Sioux Nation. In fact, it was the heart of the area held by the Sioux Nation. The loss of that area meant losing, as they say, their heart.

In 1875 a commission was appointed which was authorized to assemble in a great council a large number from the Sioux bands. They met at or near Fort Robinson, in the State of Nebraska, south of the Black Hills. That commission failed to effect an agreement between the United States and the Sioux Tribe. That was the Allison Commission, which reported that the Sioux demanded as much as \$80,000,000 for the Black Hills area, or that such amount be held for them at interest for the benefit of their people from then on to the seventh generation, which, in the Sioux language means forever. (In the Sioux language the seventh generation means the children until the seventh generation. It means forever.) They failed in 1875 to arrive at an agreement for the cession of the Black Hills area.

In 1876, troops moved from Fort Abraham Lincoln, N. Dak., and from Fort Tellerman, Wyo., into Montana. Those expeditions were intended to drive the Sioux Indians from hunting lands reserved to them under the treaty of 1868. That was a most unfortunate campaign by Generals Crook and Custer against Crazy Horse, Gall Two Moons, and several other Sioux chieftains. It was a campaign in which a large number of Sioux lost their lives, and in which Custer with 212 men lost their lives. General Custer was in command of the Seventh Cavalry, and the men who lost their lives at the Battle of Little Big Horn, on July 25, 1876, were members of the Seventh Cavalry.

After that campaign, General Miles went into this territory, and succeeded in excluding the Sioux, and following that, Congress passed a statute taking away from the Sioux Tribe the entire Black Hills area, or the strip between the forty-third and forty-sixth parallels and between the one hundred and fourth and one hundred and thirteenth meridian, or all of the reservation lying west of the one hundred and third meridian and the forks of the Cheyenne River, which included 8,135,000 acres. Now, from that Black Hills area, which is the richest 100 square miles in the world, came over \$400,000,000 of mineral value.

Mr. FRANCIS H. CASE. I would like to ask permission of the subcommittee to insert at this point a brief extract from the memoirs of General Scott, in which he states as a matter of careful conclusion, that the Sioux, at the time of the operations that have just been referred to, were pursuing customary rights in that territory and that they were not engaged in depredations at the time of the battle with Custer, but were on territory reserved to the Indians. This is a point which is grossly misunderstood by the American people and since it has been brought in here, it may be as well to have the facts in the record.

Mr. MURDOCK. Without objection, it may be included in the record at this point.

(The matter referred to is as follows:)

### CUSTER'S LAST FIGHT; NOTES BY GENERAL SCOTT

[Excerpts from an article in New York Times, January 6, 1935]

(Times editorial note: New light is now thrown on the tragedy by the following notes found among the papers of the late Maj. Gen. Hugh L. Scott, who joined the Seventh Cavalry after the battle and served with distinction for many years as an Indian fighter and conciliator. The notes are made available through the courtesy of Mrs. Scott.)

By Hugh L. Scott

I was not present at the battle having graduated from West Point on June 14, only 11 days before I learned of it while visiting the Centennial Exposition at Philadelphia on July 6, the news having required 10 days to reach the nearest telegraph station at Bismarck, Dakota.

#### A LIEUTENANT'S COMMISSION

I immediately took steps to secure one of the vacancies due to the battle. My commission as second lieutenant, Seventh Cavalry, is dated the day after the fight. The commission and proper orders having been received, I reported for duty to Maj. Marcus H. Reno, Seventh Cavalry, at Fort Abraham Lincoln, Dakota, and followed the fortunes of that regiment for many years on horseback over a large part of Montana, Dakota, Wyoming, Nebraska, and so forth, usually on Indian service.

In leisure hours in the tent which I occupied with Lt. Luther R. Hare, surviving officers of the Seventh Cavalry would fight the battles of the regiment again until far into the night, especially that of the Little Big Horn. I listened to these discussions with the greatest interest. In addition I have a copy of the testimony of some of these officers under oath before the Reno court of inquiry in Chicago in 1870.

\* \* \* \* \*

In the spring of 1877 I went up to the battlefield with my captain, Henry J. Nowlan, Seventh Cavalry, and his Troop I, and Capt. W. V. Sheridan, Seventh Cavalry, a brother of General Sheridan, to secure the bodies of Custer and of the other officers that could be recognized. We had with us the Crow scouts that had been with the command, and were on the ground June 25, 1877, the first anniversary of the battle.

#### TALKS WITH THE CHEYENNES

Soon after our return to the regiment, on Sunday Creek, on the north side of the Yellowstone, 12 miles below the mouth of Tongue River, General Miles ordered me to take 10 enlisted men of the Seventh Cavalry and 35 of the most prominent Northern Cheyenne chiefs (who had been in the battle against Custer the year before and had recently surrendered to General Miles) and scout for a Sioux war party from Sitting Bull's village north of the Britain line, thought to be on the Musselshell River of Montana.

I soon got on very excellent terms with the Cheyennes, who talked to me as freely about their part in the battle and all its circumstances as an Englishman would talk about Waterloo; and since that time I have had many opportunities to talk to members of every one of the bands engaged in the fight. The records made since corroborate everything I was told by the Indians.

Although I was not present during the fight, I believe that I have greater opportunities for arriving at the truth than anybody else, even Godfrey, who was not in the fight on the bottom, but joined Reno with Benteen on the hill (where the survivors of the regiment, the two detachments which did not charge with Custer, stood off the Sioux).

\* \* \* \* \*

#### A "CRIMINAL" ORDER

All during my youth I believed what was told me, that this battle was necessary—that the Sioux had to be subdued and brought into their agencies, that the great number of Sioux from the different Sioux agencies had gone out there to fight. But investigation has since taught me otherwise. It is now my opinion



that the act of the Secretary of the Interior ordering all those Indians to report to their agencies before January 31, 1876, and threatening otherwise to use force was a crime against humanity. The Secretary had no more right to do this than I would have had to order the people of Philadelphia to report to me and then send troops to coerce them for not obeying.

The Indians were in the Indian country, making meat and robes for the support of their families. There were treaties extant, confirmed by the Senate of the United States, the supreme law of the land, making it a trespass for white men to enter that country. The Indians were as far away as they could get from the white man, 600 miles from the railroad.

I have interrogated many agency Indians who were in the fight, asking what they had done and why they were out there. They were perfectly frank with me, saying that they had killed a soldier, for instance, or captured a horse; some said they were not allowed to be present at the sun dance at the agency and had come out to be present at the sun dance in what was called the hostile village; others said they were there to make robes and meat for their families.

But I never saw one who admitted that he had gone out there to fight. Our ideas about that are altogether wrong. The Indians were attacked at the instance of the Interior Department while they were peaceably attending to their own business, with no desire to fight. To be sure, it was dangerous for white men to be in that country, but white men had no business there and were trespassers.

Mr. BARTON. Were orders for these expeditions issued by the President or by the War Department?

Mr. RALPH H. CASE. They came from the War Department. The orders are set out in that volume you have.

From 1876 on to 1888 there no further attempt was made to take any more territory from the Sioux Tribe. However, during that period the Black Hills area had been immensely developed and was heavily populated. When notice was given throwing the Black Hills area open to settlement, the eastern part of the State of South Dakota was settled, and there you had a solid block of Indian reservation in the center, which barred that area from the eastern part of the State.

Mr. FRANCIS H. CASE. Is it not a fact that the territory which was left for the Indians, after they were excluded, from the mountainous section, was what is known broadly as the Bad-Lands section, and the short-grass country? They lost their hunting lands?

Mr. RALPH H. CASE. They have nothing except a short-grass country.

Mr. MURDOCK. The section between the short-grass country and the Missouri River——

Mr. RALPH H. CASE (interposing). That is a fine grazing section. There is some portion to the southeast and there is the bottom lands along the Missouri River, which is good farming lands, the rest of the reservation never has been and never will be an agricultural country.

In 1888 the United States negotiated an agreement with the Sioux Tribe for the cession of additional lands. This is a map of the State, on which I can show you the area now sought to be taken from the Sioux Tribe. It included that portion of the land from the White River, here [indicating] north to the Cheyenne River. It included this great body of land lying here [indicating]. All this land on the western side of the reservation which had not been taken in 1877.

Here was an area of 9,400,000 acres sought to be ceded in 1888. Congress by the act of March 2, 1889, provided that this particular area I have just described here [indicating] was to be ceded to the United States, and that the Sioux were to be paid a certain stipulated sum therefor. It was to become a contract upon ratification by the Sioux.

It was ratified, and it became a good contract between the United States and the tribe.

I have now before the committee the story brought to the point aimed at from the beginning.

#### THE SIOUX POSITION IN 1889

We have here a picture of the tribe having this vast domain of 90,000,000 acres of land in 1849, holding now in 1889 only six scattered reservations. The six scattered reservations, aggregate less than 11,000,000 acres of land. In addition to that, in 1888, they, the Sioux, experienced a terrific drought, which was particularly severe in western Dakota Territory.

In 1889, a commission came to the Sioux agencies, and called the people into council for the purpose of securing an agreement for this cession of 9,400,000 acres of land. Their crops had been destroyed. They had experienced a terrible drought, and while in council roaming stock had broken in and destroyed everything. The agreement was proclaimed by President Harrison, on February 10, 1890, at a time no settlements were being made in the area for the reason that the United States surveyors had not run the section or quarter lines. In fact, they had not run the township lines. Then came a message to the Sioux. Here is the picture: They had suffered an almost total loss of their lands; they had lost all their good lands, had lost all of their valuable timber, and had lost their mining lands, coupled with the fact that they had gone through with a severe drought and lost their crops.

Mr. MURDOCK. May I interrupt you there: What were the Indians to have in return for those lands?

Mr. RALPH H. CASE. They were to have the Government act as trustee in the sale of the land; the Government was to pay \$1.25 per acre for all the lands that were being turned over to the States of South Dakota and North Dakota for school lands; they were to have \$1.25 per acre for lands sold to homestead entrymen during the first 2 years; during the succeeding 3 years, they were to be paid 75 cents per acre; during the succeeding 5 years they were to be paid 50 cents per acre, and then at the conclusion of 10 years the Government guaranteed to pay for the residue or unsold lands at 50 cents per acre. The Government advanced the sum of \$3,000,000, which became a part of the Sioux fund, which was to draw interest, according to the contract at 5 percent. The Government, however, did not pay in another dollar, with the exception of a few thousand dollars collected from the sale of lands during the first year. The Sioux Tribe is still unpaid, and no further funds have been deposited to the credit of the Sioux fund; but in the Court of Claims, at some time, we hope to make a recovery for them on account of that claim. Of course, that matter is not before you here.

Mr. BARTON. Has that fund been held intact, or has the \$3,000,000 been spent?

Mr. RALPH H. CASE. Yes, sir; it has been pretty well spent. It was to be held for 50 years, but there is only a relatively small amount left. Most of it has been expended.

Mr. MURDOCK. Was there any other reservation set aside for the Sioux, other than the one you have already discussed? After 1889, was there any reservation set aside for them?

Mr. RALPH H. CASE. There were six reservations—the Rosebud, the Pine Ridge, the Lower Brule, the Crow Creek, the Cheyenne River, and the Standing Rock. Those six reservations are what we call the diminished reservations.

Mr. MURDOCK. What is the Sioux population at this time?

Mr. RALPH H. CASE. Approximately 25,000 souls.

There are maps in this brief in the education claim which show the areas the Sioux have controlled at various times. There are the maps [indicating] which will show the committee exactly the area they had in 1850; the area they controlled under the treaty of 1868; the area that they controlled after the act of 1877, and a map which shows the area that they had left to them by the act of March 2, 1889.

Mr. MURDOCK. Map No. 4 shows three blocks. Is that all of it?

Mr. RALPH H. CASE. Yes, sir.

Mr. MURDOCK. I understood you to say there were six.

Mr. RALPH H. CASE. Yes, sir; that is because each one of the three is divided into two parts. There is the Pine Ridge, the Rosebud, the Lower Brule, the Cheyenne River, the Standing Rock, and Crow Creek Reservations in those three blocks you refer to.

Now, this is what happened in the summer of 1890: At that time, there came along this voice saying to the Sioux Tribe:

If you will look to and observe the formalities of this new religion, the Messiah will be here, and the Messiah will bring back the buffalo herds; the whites will be removed entirely from the land, and the dead will return; but you must observe this routine; you must dance for 5 days or 5 nights; you must perform certain ablutions; you must not do any hurt to anybody, and you must not offer any violence; you must wear this white plain undecorated shirt, which itself is impervious to bullets. If you do these things, your land will be restored to you; your people will come back; the buffalo will return; the whites will be gone.

A consummation devoutly to be wished; but unfortunately as in many spiritual revivals, it failed of accomplishment.

Now, in December of 1890, in order to stop this "ghost dancing" the Government sent out orders to arrest one of the old leaders, Sitting Bull, on Grand River. On December 15, 1890, Sitting Bull was placed under arrest. After he had clothed himself and was ready to get on his horse, one Indian fired at a member of the police force, Lieutenant Bullhead. He killed Lieutenant Bullhead. Sitting Bull was immediately killed by Bullhead and Red Tomahawk. A fight ensued. Sitting Bull's band was scattered. Sitting Bull's body and the wounded and dead police were taken back to the agency, and a portion of Sitting Bull's people immediately left Sitting Bull's camp and started southwest to the Cheyenne River.

At the Cheyenne River, right at that point on this map [indicating], just across the Cheyenne River, was a great aggregation of people headed by Chief Big Foot. The members of the Sitting Bull band that escaped, a few of them, some 40 in number, joined Big Foot at that point. Negotiations were entered into between the military and Big Foot, and it was understood and agreed that they would stay where they were and remain peaceable. A rumor—and I can say for the record that rumor is a controlling influence in this and all other aboriginal tribes—a rumor struck these people that the military next day were coming upon them to wipe them out, and Big Foot and his band left that point on the Cheyenne River and started for the Bad Lands.

They started for the Bad Lands because they knew the interior of the Bad Lands. The Bad Lands are utterly inaccessible. There was

not a white man in the country that knew the trails. There was hardly a white man that knew where he dared to take a drink. There are thousands of springs in there, and you might drink from 99 out of a hundred of them and suffer no difficulty, and you might drink from the other and die.

Before Big Foot and his band reached the White River, he came into contact with the military. He came down through the Bad Lands and agreed to surrender his band. He met Major Whitside, of the Seventh Cavalry, and came down through the passes of the Bad Lands—we still call it the Big Foot Pass—down on the flats south of the White River, to a point that we designate now as the Wounded Knee Massacre ground, which lies a short distance north and east from the present Pine Ridge Agency.

I am sorry to have taken so long. It is not my intention to discuss the details of the fight. I did want to make this statement, and requested it, and the Congressman was good enough to accede, only in order to give the committee the background to show why these people felt as they did at that time.

MR. FRANCIS H. CASE. Mr. Case, the point now known as the Wounded Knee Battle site was the point agreed upon for the surrender of Big Foot's band to the military forces, was it?

MR. RALPH H. CASE. Yes, sir; it was, by agreement. Big Foot and his entire outfit came down onto the flats at Wounded Knee and went into camp the day before the massacre took place. They were there and were entirely surrounded by cavalry at the time. There were also some members of the Eighth Cavalry present.

Now, as to what occurred on the fatal day of the 29th of December 1890, I would very much prefer that the committee hear it first-hand from the lips of two of the men who were there.

MR. FRANCIS H. CASE. Mr. Chairman, I think, for the sake of the time this morning, we probably should proceed directly to hear the testimony of these Indians who are here.

I might simply say that, as the troops were disarming the Indians and collecting their guns, as the Indians will tell in their story, a massacre occurred. The survivors, the people who crawled away, have a Wounded Knee Survivor's Association. They conduct annual memorial exercises at Wounded Knee for the people who were killed. The survivors who are here to testify today are James Pipe-on-Head, who is president of the Wounded Knee Survivors' Association, and who at the time was a boy of 12, and Dewey Beard, who was a young man whose wife and baby were killed at that time. He himself was wounded but survived. They are sent here by the Wounded Knee Survivors' Association to tell their story. Charles White Wolf is their official interpreter.

With the committee's permission, I will call James Pipe-on-Head, the president of the association.

MR. MURDOCK. The committee will be very glad to hear a statement from Mr. Pipe-on-Head.

#### STATEMENT OF JAMES PIPE-ON-HEAD (interpreted by Charles White Wolf)

MR. PIPE-ON-HEAD. The reason why I come here, I figure you people are my friends, and I would like to prove to you that what I have seen with my own eyes I give you this morning.

I do not come here to condemn anybody, but I come here for the good of my people.

When Big Foot's band was conquered, and when they met the troops, they immediately stuck up the white flag, which meant peace.

The battle was on the 28th day of December. So we traveled with the soldiers and came to their encampment, and at that time Chief Big Foot was very sick. We came back to the point where the soldiers were camped.

On the morning of the 29th day of December—it was in the morning—the Camp Crier announced to all men to come to the center of the camp. So all men in this camp went to the center and to the place where they asked them, and they all sat down. It was announced that this was to have a meeting, and after the meeting they were to move on to the agency, which I think would have been Pine Ridge Agency; and he said, "The Government says to turn in your firearms." So we did. They went out to the camps and picked up all rifles. The soldiers went out to the camps and raided the wagons; they took axes, knives, and awls, and even the women's pins on their sides; they took them away from them. When it was all done, it was gathered up and piled up.

While they were piling up their guns, and the men were all sitting in the center, surrounded by soldiers, two rows of soldiers formed a circle to the east, with their guns all ready. They were on a hill. Not far from there there was a bunch of soldiers, with two cannons. Away back over here [indicating] women and all helpless people and children of all sorts were standing, and behind them were troops with Indian scouts.

Mr. FRANCIS H. CASE. Mr. Chairman, I would like to interrupt to ask a few questions.

Mr. MURDOCK. Certainly.

Mr. FRANCIS H. CASE. Jim, what is this painting [exhibiting picture]?

Mr. PIPE-ON-HEAD. That is a reproduction of the massacre. That shows a reproduction of the massacre.

Mr. FRANCIS H. CASE. How was this made?

Mr. PIPE-ON-HEAD. This picture was made by me and a brother of mine. He was an old man at that time, and he knew we were coming for this, so we thought we would have some kind of proof to show just how and where that happened.

Mr. FRANCIS H. CASE. How long after the battle was this picture drawn?

Mr. PIPE-ON-HEAD. In 1933, when we formed what they call the Survivors' Association; that is when they started to plan on this picture.

Mr. FRANCIS H. CASE. And this was drawn from your memory of the battle at that time?

Mr. PIPE-ON-HEAD. Yes; this was drawn from the memories, as I saw it on that day.

Mr. FRANCIS H. CASE. Mr. Chairman, I would like to call the attention of the committee to the Fourteenth Annual Report of the Bureau of Ethnology of the Smithsonian Institution, made by J. W. Powell, Director, part II, published in 1893. This contains the report by James Mooney on the "Ghost Dance Religion of the Sioux," and tells the story of Wounded Knee. Between pages 868 and 869, is a map prepared by Lt. J. Q. Donaldson, of the Seventh United States

Cavalry, which gives the position of the troops and the position of the Indians, the position of the camps, and the terrain, as made by Lieutenant Donaldson at the time. I would like to call the attention of the committee to the fact that the placing of the tents and the placing of the troops and of the Indians in the map corresponds very closely to that of the painting. I think that is important, not only because it supports Pipe-on-Head, but because, as the story develops you will see from the picture that the position of the troops was such that when the firing started by the troops, part of the troops themselves were in the line of fire.

Thus in firing on the disarmed Indians and the women and children, who were in the center, as they started to scatter and flee, the soldiers also fired on their own troops. The statement of General Miles which is incorporated in the report of the War Department calls attention to that fact—that the troops themselves were in the line of their own fire. His words are:

Thirdly, an examination of the accompanying map and testimony shows conclusively that at the beginning of the outbreak not a single company of the troops was so disposed as to deliver its fire upon the warriors without endangering the lives of some of their own comrades.

Mr. MURDOCK. May I ask what this represents here [indicating on painting]?

Mr. RALPH H. CASE. That is a battery of gatling guns.

Mr. MURDOCK. These troops were then placed on the brow of a hill, as the witness said a moment ago?

Mr. WHITE WOLF. Yes. There are two cannons right here [indicating].

Mr. FRANCIS H. CASE. I would like to have the witness also identify this painting (exhibiting another painting).

Mr. PIPE-ON-HEAD. This picture represents after the scene of the massacre.

Mr. WHITE WOLF. He wants to prove to you gentlemen that this is how the condition looked after they wiped us out.

Mr. FRANCIS H. CASE. Were the tents set on fire?

Mr. PIPE-ON-HEAD. It was reported that after the massacre was all over with, and at evening, there was parties come through there and burned up the tents and all their belongings.

Mr. FRANCIS H. CASE. Was this a clear day?

Mr. PIPE-ON-HEAD. This picture was the day after this occurred.

Mr. FRANCIS H. CASE. Was it a clear day—the day of the massacre?

Mr. PIPE-ON-HEAD. Yes, sir; it was a clear day.

Mr. FRANCIS H. CASE. Did any storm develop the night following the massacre?

Mr. PIPE-ON-HEAD. After the massacre cleared over, they had a storm that night—a snowstorm.

Mr. FRANCIS H. CASE. That is all, Mr. Chairman. I wanted him to identify his pictures, because I thought it would be easier for the committee to follow him.

Mr. MURDOCK. The witness may continue with his statement, if he cares to proceed further.

Mr. PIPE-ON-HEAD. The soldiers surrounded us with their guns all ready, and I heard something just about that time, and somebody yelled out very loud. The minute that fellow hollered, it went like that [witness claps his hands]; the rifles all fired at the same time.

Immediately after the firing the smoke got very thick, and right behind me I could see the muzzle of a gun, and at the same time I saw Big Foot, my grandfather, the first man to be shot.

Immediately after the firing I had some powder burns in my eyes, so I worked my way through the smoke, and right in front of me I saw an old woman who had already been killed; and as I passed that old woman I ran into a dead horse. I passed there and I ran across a woman who had a girl about 1 year old on her back. This little girl had her head all blown off. The party I can identify as the daughter of a man by the name of Young Bear. She took the child off a little ways and laid it down on the prairie, and she went right on.

After they had stuck up a flag of truce, or peace, or what you call it, the people shed their blood. It was a case of slaughtering a bunch of defenseless mothers and some babies in the cradle; and one of the saddest parts was a little boy whose mother was killed and lying there, and the little boy didn't know that his mother was dead, and he was nursing on his mother's breast. That boy is now living, and his name is Black Fox. He is living in Rapid City at the present time.

That is not the only case, but there were many cases. There was one case of a mother carrying her child on her back, and they put a bullet right through the both of them. That was the son of a man by the name of High Hawk.

After they ceased firing, there were some that were lying on, probably, this canyon [indicating], and some were lying on the field wounded. The soldiers came up there and told them to get up, that it was all over. Some of them were so helpless, wounded awfully bad, that they could not get up, and the soldiers came up and shot them all over again.

So after that, up by the end of the canyon, there was a bunch of them taking refuge there, and the soldiers came up and told them it was all over and to get up, and when they came up they sat down on the hill and the soldiers surrounded them again. They thought it was all over with, and they sat on top of the hill, in good spirit, and the soldiers surrounded them and shot them down again.

Mr. MURDOCK. May I ask at that point: Were these warriors or men and women together?

Mr. WHITE WOLF. He asks what people are you referring to, Mr. Murdock.

Mr. MURDOCK. Those that came out of their hiding and were on the brow of that hill.

Mr. PIPE-ON-HEAD. A few men and one woman.

Mr. FRANCIS H. CASE. At that point, Mr. Chairman, may I call attention to the report of the Secretary of the Interior which quotes this from the narrative of General Miles:

Not only the warriors, but the sick chief, Big Foot, and a large number of women and children who tried to escape by running and scattering over the prairie, were hunted down and killed.

The official reports make the number killed 90 warriors and approximately 200 women and children.

Mr. BARTON. Major, you emphasized the fact that it was the Seventh Cavalry that was in the Custer Massacre?

Mr. RALPH H. CASE. I did.

Mr. BARTON. And that the Seventh Cavalry engaged in the Wounded Knee battle was the same Seventh Cavalry. Did you

mean to intimate that there was a spirit of revenge that had been passed down in that outfit?

Mr. RALPH H. CASE. I did mean to intimate that; and I will show you, Congressman, that the commanding officer was Major Whitside. At the end of the late war I served under his son, who was then Lt. Col. Warren W. Whitside, and while this is not good evidence, nevertheless I will say for the record that Colonel Whitside told me that the Seventh Cavalry went to Pine Ridge with full intent of getting even for the loss of Custer at Little Big Horn 14 years before. That is not good evidence, but it is what a son of the man who was in command told me.

Mr. FRANCIS H. CASE. Of course, Mr. Chairman, a point I would like to keep clear is that the Seventh Cavalry under Custer at the Little Big Horn in 1876 was a military expedition invading Indian territory; while at Wounded Knee in 1890, Indians moving with their families under a flag of truce were in the process of surrendering to the military, and unarmed women and children were pursued and shot down without a chance to defend themselves. A desire to even scores may explain but does not justify what happened.

Mr. MURDOCK. I would like to ask the witness one more question. Your picture shows the Army camp—the camp with the soldiers around it, and to the one side women and children. When this firing began, did the soldiers fire on the women and children who were to one side?

Mr. PIPE-ON-HEAD. May I see the picture?

(The picture was exhibited to the witness.)

Mr. MURDOCK. Here [indicating] I take it, are the men seated. Here [indicating] are women and children. In the first outbreak of firing, did the soldiers fire on these women and children, or were there women and children in the center?

Mr. PIPE-ON-HEAD. The troops, the white soldiers and Indian scouts were over here [indicating], but for the lack of space we did not put them in. When the firing started, this bunch [indicating] fired, and another bunch fired, and this [indicating] fired over here.

Mr. MURDOCK. Who were these Indian scouts; of what tribe?

Mr. PIPE-ON-HEAD. They were the members of what they call the Pine Ridge Scouts now.

Mr. MURDOCK. May I ask one more question: Was it the practice of the Army in those days to take Indian police and Indian scouts of the same tribe in that immediate neighborhood?

Mr. PIPE-ON-HEAD. It has been the practice. That is the reason that we write in here that some of the Indian scouts killed some members of their own tribe. And some members of the Big Foot Band were Indian scouts, but they did not know it. They shot them all down.

Mr. MURDOCK. In other words, the scouts in the Army itself were shot down in this battle?

Mr. PIPE-ON-HEAD. Yes; and some of the members of the Big Foot Band were Indian scouts.

Mr. MURDOCK. Do any members of the committee have any further questions? Mr. Dimond?

Mr. DIMOND. No, Mr. Chairman.

Mr. MURDOCK. Mr. Barton?

Mr. BARTON. How many were in the band, altogether?



Mr. PIPE-ON-HEAD. There were around in the neighborhood of 300 people.

Mr. BARTON. About 90 men were killed and 200 women and children; is that right?

Mr. PIPE-ON-HEAD. Yes.

Mr. MURDOCK. If that concludes this witness' statement, I would like to call the other witness for perhaps 10 minutes.

Mr. DIMOND. Before you call him, Mr. Chairman, I should like to ask a question:

How many survived of the entire band of Indians who were present at the place and time mentioned?

Mr. PIPE-ON-HEAD. We have no exact record, but up to the time when they were taking evidence or statements from other Indians, there were only 55 alive at that time, and since then 11 of them have died, which would make forty-some odd.

There are 44 living survivors today.

#### SUPPLEMENTARY WRITTEN STATEMENT OF JAMES PIPE-ON-HEAD

*To the Subcommittee of Indian Affairs, House of Representatives:*

Mr. Chairman and friends of the committee, we have not been able to say all that we wanted to say at the hearing on H. R. 2535 last Monday, March 7, therefore, I want to submit this written statement to the subcommittee for the record.

I feel like the committee will want to know that Big Foot and his band are called the Minneconjou band. This name was given them because they were engaged in farming along the Missouri River on the bottom lands near what is now Fort Yates, North Dakota. The name Minneconjou means "planters along waters." They were one of the first Sioux bands to come into contact with the whites and have always maintained a friendly relationship with them. Big Foot had even advised General Custer not to go into Crazy Horse's territory but he went out to capture the Siouxs and met his defeat.

I also want to tell the committee what they have done to one of the young men who was wounded in the massacre. One of them was shot in the eye but he was still alive and helpless when they were burying the dead in one big pit. They knew he was still alive but buried him with the rest of the dead. We feel that this act is not human; therefore, we want the committee to know about it.

The survivors and descendants of those who were killed are really suffering today. The conditions on the reservation are terrible and if the Government would at least pay the survivors and the descendants of those killed and wounded at the Wounded Knee Massacre the whole will be forgotten.

This will probably be the only opportunity we are going to have to come to Washington and while we are here we want to ask the Congress to give H. R. 2535 a very careful consideration. We want to thank the committee for the kind attention they have given us.

JAMES PIPE-ON-HEAD.

Mr. MURDOCK. We thank you for your statement.

Now, if the members do not object, we will call the next witness.

Mr. FRANCIS H. CASE. Mr. Chairman, I would like to present to the committee at this time Dewey Beard, also a survivor.

#### STATEMENT OF DEWEY BEARD (INTERPRETED BY CHARLES WHITE WOLF)

Mr. MURDOCK. We are pleased to hear you now, Mr. Beard.

Mr. BEARD. First, I wanted to come out with my friends, and I am glad to meet you all today.

I would like to tell you gentlemen today that there was no reason at all that the United States troops massacred the Big Foot band. I want to bring out the fact that the United States has done what we

call one of the biggest murders, as we call them, and that the United States must be ashamed of it, or something, because they have never even offered to reimburse us or settle in any way.

At that time we stuck up our white flag, and they took our guns away from us. When we were bare handed they cut loose on us. The children did not know what was going on. We always had been told that when the white flag was stuck up there would be no trouble, and the people believed in that white flag. All at once they cut loose on us, and at that time I was shot in the leg, and up till today I never found out why they did that to me—shot me like that; and some time I would like to find out what was the reason why the American troops should do that; why they should ever injure anybody unless anyone was bothering the law. But still they shot me down.

The United States soldiers murdered the bunch of us, and they have never made an offer of any kind of settlement.

In saying a few words on this massacre, I want to point out a very few of the things that I have seen with my own eyes at that time. At that time my wife and I had a baby of 22 days old, and right at the time when the firing started I missed my wife, and later I found out that she was shot through the breast. The little 22-day-old baby was nursing from the same side where the mother was wounded and the child was choked with blood. A few days afterwards the little boy died.

I saw on that field small children like that lying by the side of their mothers, and I saw about four or five of them lying there frozen to death.

After that—they knew I was wounded; I was shot in the leg, and I fell down; they knew I was wounded and helpless, and they came and shot me all over again, in the breast. I was laying off there to one side, right by the camp side, and the soldiers were going through the field, and the men and women were wounded and could not help themselves, and the soldiers came over there and put the bullets through them again.

Mr. MURDOCK. His statement was that he was wounded in the breast and in the leg?

Mr. WHITE WOLF. Yes, sir.

Mr. MURDOCK. Was he wounded in the leg first, and then afterward, while he was helpless, he was shot through the body?

Mr. BEARD. Yes, sir; I was helpless, lying there, and they came back and shot me in the breast again. If I was killed at that time, I would not be here testifying for my people.

The picture shows where the soldiers surrounded us. We did not have any guns—not a thing—and immediately when the firing started some of the soldiers and some of the scouts were on the line with us, and some of them were killed right along with us.

Mr. MURDOCK. About how many Indian scouts were with the troops?

Mr. BEARD. At that time, when they first met them, they had seven Indian scouts, and then there were some more came after that.

Mr. RALPH H. CASE. Mr. Chairman, may I ask the witness a question?

Mr. MURDOCK. Yes.

Mr. RALPH H. CASE. Did you ever see a gun like that [exhibiting a gun]?

Mr. BEARD. Yes, sir; a few years back I have seen quite a few guns like that.

Mr. RALPH H. CASE. I will state to the committee that this is one of the guns that was collected on the battlefield at Wounded Knee, transported to Pine Ridge Agency, and kept there in the warehouse for many years. I was permitted by the agent to take this gun from the warehouse.

There has always been some dispute as to whether or not these Indians did surrender their arms before the firing started. I picked this gun up at random from several hundred in the warehouse. I want to call the committee's attention to something that I did not find out myself until I returned to Washington. I wish you would notice as I drop the ramrod. I used to use a muzzle-loading gun myself.

Mr. MURDOCK. I was acquainted with one of those when I was a boy.

Mr. RALPH H. CASE. I wish you to note that the gun itself is still loaded; and this, I believe, tends to support the Indians' statement that their guns were surrendered in advance of the firing. This is a typical Plains Indian gun of the period—muzzle loading, smooth bore, Springfield make, which shoots either ball or shot.

Mr. MURDOCK. Have you made sure that that does not have a percussion cap on it?

Mr. RALPH H. CASE. I first made sure that it has no percussion cap. But at the same time, it still is a loaded gun, and things happen with loaded guns.

Mr. BARTON. Mr. Chairman, there were 24 soldiers killed, were there?

Mr. RALPH H. CASE. I think so.

Mr. BARTON. One officer and twenty-four soldiers.

Mr. RALPH H. CASE. One officer and twenty-four soldiers.

Mr. BARTON. And the claim of the Indians is that those were shot by their fellow soldiers?

Mr. RALPH H. CASE. By the cross-fire. As is indicated on this map, which is a Government publication, there were soldiers on four sides of the Indian group.

Mr. BARTON. The Army claims that there were at least 50 shots fired before the soldiers opened fire. That is mentioned in the letter from the War Department.

Mr. RALPH H. CASE. I know that is the statement made in the War Department's records and reports. However, the story which others have told me is that one Indian walked up to that pile of guns, and in a gesture of defiance—can't you imagine that an Indian would throw that gun up in the air and fire it? That Indian was dead, they tell me, before the echo of the shot died away, and the firing became general.

Mr. MURDOCK. Have you other questions, gentlemen, to ask the witness?

Mr. RALPH H. CASE. I would like to add to the record that this is the first and only time that any witnesses have ever been heard on any pending legislation relative to the Wounded Knee Massacre.

Mr. MURDOCK. I have one or two questions that I would like to ask the witness.

Is it your impression that the Indians in this band were on their way to the Pine Ridge Agency to surrender?

Mr. BEARD. Yes, sir.

Mr. MURDOCK. Is it your best judgment that there was no warlike intention on the part of this band?

Mr. BEARD. They were on peaceful business.

Mr. DIMOND. How many soldiers were present on this occasion?

Mr. MURDOCK. It may be the records will show that.

Mr. DIMOND. I imagine so.

Mr. WHITE WOLF. He has no idea.

#### SUPPLEMENTARY WRITTEN STATEMENT OF DEWEY BEARD

*To the Subcommittee on Indian Affairs:*

Mr. CHAIRMAN, friends, first I want to thank the committee that heard us on H. R. 2535.

I wanted to remind the committee that in the last World War we sent our boys across. Some of them were killed over there; others were wounded and some luckily came back without wounds. Some of these boys are descendants of the Big Foot's band. They helped to defend our country, gave up their lives and fought for this Government which some 47 years ago shot down their helpless unarmed grandfathers and grandmothers at Wounded Knee Creek.

We were always friendly toward the whites and have been very loyal to the United States Government in every way, but someone told us that the War Department and the administration is opposed to H. R. 2535. I cannot understand why they want to do this. All that I ask is that Congress pass this bill and pay those poor Indians back on the reservation the money which is provided in the bill and help us to forget the whole Wounded Knee affair.

I did not get to continue with my statement at the hearing, but I hope that the committee will be kind enough to read this additional statement and urge a favorable consideration of the bill H. R. 2535 in the Congress.

MARK DEWEY (his thumb mark) BEARD.  
A. T. H.

Mr. MURDOCK. We thank all three of you for your statements, and we will give them due consideration.

Congressman Case, have you further testimony that you would like to bring before us?

Mr. FRANCIS H. CASE. Mr. Chairman, I want to thank the committee for their consideration this morning, and with the permission of the committee I would like to make extracts from this Fourteenth Annual Report of the Bureau of Ethnology and insert them in the record to give the background and the details of the Wounded Knee tragedy as set forth in the record made at the time. It verifies the account that has been given us here this morning.

Mr. MURDOCK. Without objection, they will be placed in the record.

(The matter referred to is as follows:)

EXTRACTS FROM THE FOURTEENTH ANNUAL REPORT OF THE BUREAU OF ETHNOLOGY TO THE SECRETARY OF THE SMITHSONIAN INSTITUTION (1892-93),  
BY J. W. POWELL, DIRECTOR

#### PART 2. CHAPTER XII

##### THE GHOST DANCE EAST OF THE ROCKIES—AMONG THE SIOUX

(Monograph by J. D. Mooney)

"They signed away a valuable portion of their reservation, and it is now occupied by white people, for which they have received nothing. They understood that ample provision would be made for their support; instead, their supplies have been reduced and much of the time they have been living on half and two-thirds rations. Their crops, as well as the crops of white people, for 2 years have been almost a total failure. The disaffection is widespread, especially among the Sioux, while

the Cheyennes have been on the verge of starvation and were forced to commit depredations to sustain life. These facts are beyond question, and the evidence is positive and sustained by thousands of witnesses" (General Miles quoted on p. 816).

THE CAUSES OF THE OUTBREAK

(Pp. 824, 825, 826, 827, 828)

We come now to the Sioux outbreak of 1890, but before going into the history of this short but costly war it is appropriate to state briefly the causes of the outbreak. In the documentary appendix to this chapter these causes are fully set forth by competent authorities—civilian, military, missionary, and Indian. They may be summarized as (1) unrest of the conservative element under the decay of the old life, (2) repeated neglect of promises made by the Government, and (3) hunger.

The Sioux are the largest and strongest tribe within the United States. In spite of wars, removals, and diminished food supply since the advent of the white man, they still number nearly 26,000. In addition to these there are about 600 more residing in Canada. They formerly held the headwaters of the Mississippi, extending eastward almost to Lake Superior, but were driven into the prairie about two centuries ago by their enemies, the Ojibwa, after the latter had obtained firearms from the French. On coming out on the buffalo plains they became possessed of the horse, by means of which reinforcement to their overpowering numbers the Sioux were soon enabled to assume the offensive, and in a short time had made themselves the undisputed masters of an immense territory extending, in a general way, from Minnesota to the Rocky Mountains and from the Yellowstone to the Platte. A few small tribes were able to maintain their position within these limits, but only by keeping close to their strongly built permanent villages on the Missouri. Millions of buffalo to furnish unlimited food supply, thousands of horses, and hundreds of miles of free range made the Sioux, up to the year 1868, the richest and most prosperous, the proudest, and withal, perhaps, the wildest of all the tribes of the plains.

In the year, in pursuance of a policy inaugurated for bringing all the plains tribes under the direct control of the Government, a treaty was negotiated with the Sioux living west of the Missouri by which they renounced their claims to a great part of their territory and had "set apart for their absolute and undisturbed use and occupation"—so the treaty states—a reservation which embraced all of the present State of South Dakota west of Missouri River. At the same time agents were appointed and agencies established for them; annuities and rations, cows, physicians, farmers, teachers, and other good things were promised them, and they agreed to allow railroad routes to be surveyed and built and military posts to be established in their territory and neighborhood. At one stroke they were reduced from a free nation to dependent wards of the Government. It was stipulated also that they should be allowed to hunt within their old range, outside the limits of the reservation, so long as the buffalo abounded—a proviso which, to the Indians, must have meant forever.

The reservation thus established was an immense one, and would have been ample for all the Sioux while being gradually educated toward civilization, could the buffalo have remained and the white man kept away. But the times were changing. The building of the railroads brought into the Plains swarms of hunters and immigrants, who began to exterminate the buffalo at such a rate that in a few years the Sioux, with all the other hunting tribes of the Plains, realized that their food supply was rapidly going. Then gold was discovered in the Black Hills, within the reservation, and once thousands of miners and other thousands of lawless desperadoes rushed into the country in defiance of the protests of the Indians and the pledges of the Government, and the Sioux saw their last remaining hunting ground taken from them. The result was the Custer war and massacre, and a new agreement in 1876 by which the Sioux were shorn of one-third of their guaranteed reservation, including the Black Hills, and this led to deep and widespread dissatisfaction throughout the tribe. The conservatives brooded over the past and planned opposition to further changes which they felt themselves unable to meet. The progressives felt that the white man's promises meant nothing.

On this point Commissioner Morgan says, in his statement, of the causes of the outbreak:

"Prior to the agreement of 1876 buffalo and deer were the main support of the Sioux. Food, tents, bedding were the direct outcome of hunting, and with furs and pelts as articles of barter or exchange it was easy for the Sioux to procure whatever constituted for them the necessities, the comforts, or even the luxuries of life. Within 8 years from the agreement of 1876 the buffalo had gone and the

Sioux had left to them alkali land and Government rations. It is hard to over-estimate the magnitude of the calamity, as they viewed it, which happened to these people by the sudden disappearance of the buffalo and the large diminution in the numbers of deer and other wild animals. Suddenly, almost without warning, they were expected at once and without previous training to settle down to the pursuits of agriculture in a land largely unfitted for such use. The freedom of the chase was to be exchanged for the idleness of the camp. The boundless range was to be abandoned for the circumscribed reservation, and abundance of plenty to be supplanted by limited and decreasing Government subsistence and supplies. Under these circumstances it is not in human nature not to be discontented and restless, even turbulent and violent" (Comr., 28).

It took our own Aryan ancestors untold centuries to develop from savagery into civilization. Was it reasonable to expect that the Sioux could do the same in 14 years?

\* \* \* \* \*

In 1883 their cattle had been diminished by disease. In 1889 their crops were a failure, owing largely to the fact that the Indians had been called into the agency in the middle of the farming season and kept there to treat with the Commission, going back afterward to find their fields trampled and torn up by stock during their absence.

Then followed epidemics of measles, grippe, and whooping cough, in rapid succession and with terribly fatal results.

\* \* \* \* \*

#### STATEMENT OF GENERAL MILES

(From the Report of the Secretary of War for 1891, vol. I, pp. 133, 134, and 149; quoted by Mooney on p. 833 and ff.)

#### *Ten causes of the Messiah trouble*

Reports forwarded by Brigadier General Ruger, commanding Department of Dakota, contained the following:

The commanding officer at Fort Yates, N. Dak., under date of December 7, 1890, at the time the Messiah delusion was approaching a climax, says, in reference to the disaffection of the Sioux Indians at Standing Rock Agency, that it is due to the following causes:

(1) Failure of the Government to establish an equitable southern boundary of the Standing Rock Agency Reservation.

(2) Failure of the Government to expend a just proportion of the money received from the Chicago, Milwaukee & St. Paul Railroad Co., for right-of-way privileges, for the benefit of the Indians of said agency. Official notice was received October 18, 1881, by the Indian agent at the Standing Rock Agency that the said railroad company had paid the Government under its agreement with the Sioux Indians, for right-of-way privileges, the sum of \$13,911. What additional payments, if any, have been made by the said railroad company, and what payments have been made by the Dakota Central Railroad Co., the records of the agency do not show. In 1883, and again in 1885, the agent, upon complaints made by the Indians, wrote to the Commissioner of Indian Affairs, making certain recommendations as regards the expenditure of the money received from the said railroad company, but was in each instance informed that until Congress took action with respect to the funds referred to nothing could be done. No portion of the money had been expended up to that time (December 1890) for the benefit of the Indians of the agency, and frequent complaints had been made to the agent by the Indians because they had received no benefits from their concessions to the said railroad companies.

(3) Failure of the Government to issue the certificates of title to allotments, as required by article 6 of the treaty of 1868.

(4) Failure of the Government to provide the full allowance of seeds and agricultural implements to Indians engaged in farming, as required in article 8, treaty of 1868.

(5) Failure of the Government to issue to such Indians the full number of cows and oxen provided in article 10, treaty of 1876.

(6) Failure of the Government to issue to the Indians the full ration stipulated in article 5, treaty of 1876. (For the fiscal year beginning July 1, 1890, the following shortages in the rations were found to exist: 485,267 pounds of beef

(gross), 761,212 pounds of corn, 11,937 pounds of coffee, 281,712 pounds of flour, 26,234 pounds of sugar, and 39,852 pounds of beans. Although the obligations of the Government extend no further than furnishing so much of the ration prescribed in article 5 as may be necessary for the support of the Indians, it would seem that, owing to the almost total failure of crops upon the Standing Rock Reservation for the past 4 years, and the absence of game, the necessity for the issue of the full ration to the Indians here was never greater than at the present time, December 1890).

(7) Failure of the Government to issue to the Indians the full amount of annuity supplies to which they were entitled under the provisions of article 10, treaty of 1868.

(8) Failure of the Government to have the clothing and other annuity supplies ready for issue on the 1st day of August of each year. Such supplies have not been ready for issue to the Indians, as a rule, until the winter season is well advanced. (After careful examination at this agency, the commanding officer is convinced that not more than two-thirds of the supplies provided in article 10 have been issued there, and the Government has never complied with that provision of article 10 which requires the supplies enumerated in paragraphs 2, 3, and 4 of said article to be delivered on or before the 1st day of August of each year. Such supplies for the present fiscal year beginning July 1, 1890, had not yet reached (December 1890) the nearest railway station, about 60 miles distant, from which point they must, at this season of the year, be freighted to this agency in wagons. It is now certain that the winter will be well advanced before the Indians at this agency receive their annual allowance of clothing and other annuity supplies).

(9) Failure of the Government to appropriate money for the payment of the Indians for the ponies taken from them by the authority of the Government, in 1876.

In conclusion, the commanding officer says: "It, however, appears from the foregoing, that the Government has failed to fulfill its obligations, and in order to render the Indians law-abiding, peaceful, contented, and prosperous it is strongly recommended that the treaties be promptly and fully carried out, and that the promises made by the commission in 1889 be faithfully kept.

\* \* \* \* \*

(The reports from Pine Ridge, Rosebud, Cheyenne River, and Yankton Agencies are of similar tenor. Following are two telegrams sent from the field by General Miles at the beginning of the trouble.)

*Urges fulfillment of treaties*

RAPID CITY, S. DAK., December 19, 1890.

Senator DAWES,

*Washington, District of Columbia:*

You may be assured of the following facts that cannot be gainsaid:

First. The forcing process of attempting to make large bodies of Indians self-sustaining when the Government was cutting down their rations and their crops almost a failure, is one cause of the difficulty.

Second. While the Indians were urged and almost forced to sign a treaty presented to them by the commission authorized by Congress, in which they gave up a valuable portion of their reservation which is now occupied by white people, the Government has failed to fulfill its part of the compact, and instead of an increase or even a reasonable supply for their support, they have been compelled to live on half and two-thirds rations, and received nothing for the surrender of their lands, neither has the Government given any positive assurance that they intend to do any differently with them in the future.

Congress has been in session several weeks and could, if it were disposed, in a few hours confirm the treaties that its commissioners have made with these Indians and appropriate the necessary funds for its fulfillment, and thereby give an earnest of their good faith or intention to fulfill their part of the compact. Such action, in my judgment, is essential to restore confidence with the Indians and give peace and protection to the settlements. If this be done, and the President authorized to place the turbulent and dangerous tribes of Indians under the control of the military, Congress need not enter into details, but can safely trust the military authorities to subjugate and govern, and in the near future make self-sustaining, any or all of the Indian tribes of this country.

*"The facts are beyond question"*

RAPID CITY, S. DAK., December 19, 1890.

Gen. JOHN M. SCHOFIELD,

*Commanding the Army, Washington, D. C.:*

Replying to your long telegram, one point is of vital importance—the difficult Indian problem cannot be solved permanently at this end of the line. It requires the fulfillment by Congress of the treaty obligations which the Indians were entreated and coerced into signing. They signed away a valuable portion of their reservation and it is now occupied by white people, for which they have received nothing. They understood that ample provision would be made for their support; instead, their supplies have been reduced, and much of the time they have been living on half and two-thirds rations. Their crops, as well as the crops of the white people, for 2 years have been almost a total failure. The disaffection is widespread, especially among the Sioux, while the Cheyennes have been on the verge of starvation and were forced to commit depredations to sustain life. These facts are beyond question, and the evidence is positive and sustained by thousands of witnesses. Serious difficulty has been gathering for years. Congress has been in session several weeks and could in a single hour confirm the treaties and appropriate the necessary funds for their fulfillment, which their commissioners and the highest officials of the Government have guaranteed to these people, and unless the officers of the Army can give some positive assurance that the Government intends to act in good faith with these people, the loyal element will be diminished and the hostile element increased. If the Government will give them positive assurance that it will fulfill its part of the understanding with these 20,000 Sioux Indians, they can safely trust the military authorities to subjugate, control, and govern these turbulent people, and I hope that you will ask the Secretary of War and the Chief Executive to bring this matter directly to the attention of Congress.

### CHAPTER XIII

#### SIOUX OUTBREAK—SITTING BULL AND WOUNDED KNEE

(P. 862 and ff.)

The Sitting Bull fugitives who had not come in at once had fled southward toward their friends and near relatives of Cheyenne River Reservation, and were camped on Cherry Creek a few miles above its junction with Cheyenne River at Cheyenne City. As their presence there could serve only to increase the unrest among the other Indians in that vicinity, and as there was great danger that they might attempt to join those already in the Bad Lands, Captain Hurst, of the Twelfth Infantry, commanding at Fort Bennett, directed Lt. H. E. Hale on December 18 to go out and bring them in. On arriving at Cheyenne City the officer found it deserted, all the citizens excepting one man having fled in alarm a short time before on the report of a half-blood that the Sitting Bull Indians were coming and had sworn to kill the first white man they met. Having succeeded in frightening the whole population, the half-blood himself, Narcisse Narcelle, left at once for the fort.

After some difficulty in finding anyone to assist him, Hale sent a policeman to bring back Narcelle and sent out another Indian to learn the situation and condition of the Indian camp. His only interpreter for the purpose was Mr. Angell, the single white man who had remained, and who had learned some of the Sioux language during his residence among them. While thus waiting, a report came that the Indians had raided a ranch about 10 miles up the creek. Not hearing from his scouts, the lieutenant determined to go alone and find the camp, and was just about to start, when Hump, the late dangerous hostile, but now an enlisted scout, rode in with the news that the Sitting Bull Indians were approaching only a short distance away, and armed. Although from the reports there was every reason to believe that they had just destroyed a ranch and were now coming to attack the town, the officer, with rare bravery, kept his determination to go out and meet them, even without an interpreter, in the hope of preventing their hostile purpose. Hump volunteered to go with him. The two rode out together and soon came up with the Indians, who received them in a friendly manner. There were 46 warriors in the party, besides women and children, wagons, and ponies.

Says the officer: "I appreciated the importance of the situation, but was absolutely powerless to communicate with the Indians. I immediately formed the opinion that they could be easily persuaded to come into the agency if I could



but talk with them. While I was trying by signs to make them understand what I wanted, Henry Angell rode into the circle and took his place at my side. This generous man had not liked the idea of my going among these Indians, and from a true spirit of chivalry had ridden over to "see it out." Verily, while such men as Ewers, Hale, and Angell live, the day of chivalry is not gone by."

With Angell's assistance as interpreter, the officer told the Indians that if they would stay where they were for 1 day, he would go back to the agency and return within that time with the chief (Capt. J. H. Hurst) and an interpreter and no soldiers. They replied that they would not move, and, having directed Angell to kill a beef for them, as they were worn out and well-nigh starving, and leaving Hump with them to reassure them, the lieutenant rode back to Fort Bennett, 40 miles away, notified Captain Hurst, and returned with him, Sergeant Gallagher, and two Indian scouts as interpreters, the next day. Knowing the importance of haste, they started out on this winter ride of 40 miles without blankets or rations.

On arriving, Captain Hurst told them briefly what he had come for, and then, being exhausted from the rapid ride, and knowing that an Indian must not be hurried, he ordered some beef and a plentiful supply of tobacco for them, and said that after he and they had eaten and rested they could talk the matter over. In the evening the principal men met him and told him over a pipe that they had left Standing Rock Agency forever; that their great chief and friend Sitting Bull had been killed there without cause; that they had come down to talk with their friends on the Cherry Creek about it, but had found them gone, and were consequently undecided as to what they should do. The captain replied that he had come as a friend; that if they would surrender their arms and go back with him to Fort Bennett, they would be provided for and would not be harmed; that he could make no promises as to their future disposition; that if they chose to join Big Foot's camp, only a few miles up the river, the result would be their certain destruction. After deliberating among themselves until midnight, they came in a body, delivered a number of guns, and said they would go back to the fort. Accordingly they broke camp next morning and arrived at Fort Bennett on December 24. The entire body numbered 221, including 55 belonging on Cherry Creek. These last were allowed to join their own people camped near the post. The Sitting Bull Indians, with some others from Standing Rock, numbering 227 in all, were held at Fort Sully, a few miles below Fort Bennett, until the close of the trouble. Thirty-eight others of the Sitting Bull band had joined Big Foot and afterward fled with him (War, 11).

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#### BIG FOOT'S BAND SURRENDERS

(P. 867 and ff.)

But the tragedy was near at hand. Orders had been given to intercept Big Foot's party in its flight from Cheyenne river toward the Bad Lands. This was accomplished on December 28, 1890, by Major Whitside of the Seventh Cavalry, who came up with him a short distance west of the Bad Lands. Not having succeeded in communicating with the refugees who had fled there and who were already on their way to the agency, Big Foot had made no stop, but continued on also toward Pine Ridge. On sighting the troops he raised a white flag, advanced into the open country, and asked for a parley. This was refused by Major Whitside, who demanded an unconditional surrender, which was at once given, and the Indians moved on with the troops to Wounded Knee Creek, about 20 miles northeast of Pine Ridge agency, where they camped as directed by Major Whitside. In order to make assurance complete, General Brooke sent Colonel Forsyth to join Major Whitside with four additional troops of the Seventh Cavalry, which, with the scouts under Lieutenant Taylor, made up a force of eight troops of cavalry, one company of scouts, and four pieces of light artillery (Hotchkiss guns), with a total force of 470 men, as against a total of 108 warriors then present in Big Foot's band. A scouting party of Big Foot's band was out looking for the camp under Kicking Bear and Short Bull, but as these chiefs, with their followers, were already on their way to the agency, the scouting party was returning to rejoin Big Foot when the fight occurred the next morning. It was the intention of General Miles to send Big Foot and his followers back to their own reservation, or to remove them altogether from the country until the excitement had subsided (War, 14).

## THE DISARMING AND THE MASSACRE

(P. 868 and ff.)

On the morning of December 29, 1890, preparations were made to disarm the Indians, preparatory to taking them to the agency and thence to the railroad. In obedience to instructions the Indians had pitched their tipis on the open plain a short distance west of the creek and surrounded on all sides by the soldiers. In the center of the camp the Indians had hoisted a white flag as a sign of peace and a guarantee of safety. Behind them was a dry ravine running into the creek, and on a slight rise in the front was posted the battery of four Hotchkiss machine guns, trained directly on the Indian camp. In front, behind, and on both flanks of the camp were posted the various troops of cavalry, a portion of two troops, together with the Indian scouts, being dismounted and drawn up in front of the Indians at the distance of only a few yards from them. Big Foot himself was ill of pneumonia in his tipi, and Colonel Forsyth, who had taken command as senior officer, had provided a tent warmed with a camp stove for his reception.

Shortly after 8 o'clock in the morning the warriors were ordered to come out from the tipis and deliver their arms. They came forward and seated themselves on the ground in front of the troops. They were then ordered to go by themselves into their tipis and bring out and surrender their guns. The first 20 went and returned in a short time with only two guns. It seemed evident that they were unwilling to give them up, and after consultation of the officers part of the soldiers were ordered up to within 10 yards of the group of warriors, while another detachment of troops was ordered to search the tipis. After a thorough hunt these last returned with about 40 rifles, most of which, however, were old and of little value. The search had consumed considerable time and created a good deal of excitement among the women and children, as the soldiers found it necessary in the process to overturn the beds and other furniture of the tipis and in some instances drove out the inmates. All this had its effect on their husbands and brothers, already wrought up to a high nervous tension and not knowing what might come next.

While the soldiers had been looking for the guns Yellow Bird, a medicine man, had been walking about among the warriors, blowing on an eagle-bone whistle, and urging them to resistance, telling them that the soldiers would become weak and powerless, and that the bullets would be unavailing against the sacred "ghost shirts," which nearly every one of the Indians wore. As he spoke in the Sioux language, the officers did not at once realize the dangerous drift of his talk, and the climax came too quickly for them to interfere. It is said one of the searchers now attempted to raise the blanket of a warrior. Suddenly Yellow Bird stooped down and threw a handful of dust into the air, when, as if this were the signal, a young Indian, said to have been Black Fox from Cheyenne River, drew a rifle from under his blanket and fired at the soldiers, who instantly replied with a volley directly into the crowd of warriors and so near that their guns were almost touching. From the number of sticks set up by the Indians to mark where the dead fell, as seen by the author a year later, this one volley must have killed nearly half the warriors (pl. xcix). The survivors sprang to their feet, throwing their blankets from their shoulders as they rose, and for a few minutes there was a terrible hand-to-hand struggle, where every man's thought was to kill. Although many of the warriors had no guns, nearly all had revolvers and knives in their belts under their blankets, together with some of the murderous war clubs still carried by the Sioux. The very lack of guns made the fight more bloody, as it brought the combatants to closer quarters.

At the first volley the Hotchkiss guns trained on the camp opened fire and sent a storm of shells and bullets among the women and children, who had gathered in front of the tipis to watch the unusual spectacle of military display. The guns poured in 2-pound explosive shells at the rate of nearly 50 per minute, mowing down everything alive. The terrible effect may be judged from the fact that one woman survivor, Blue Whirlwind, with whom the author conversed, received 14 wounds, while each of her two little boys were also wounded by her side. In a few minutes 200 Indian men, women, and children, with 60 soldiers, were lying dead and wounded on the ground, the tipis had been torn down by the shells and some of them were burning above the helpless wounded, and the surviving handful of Indians were flying in wild panic to the shelter of the ravine, pursued by hundreds of maddened soldiers and followed up by a raking fire from the Hotchkiss guns, which had been moved into position to sweep the ravine.

There can be no question that the pursuit was simply a massacre, where fleeing women, with infants in their arms, were shot down after resistance had ceased and when almost every warrior was stretched dead or dying on the ground. On this point such a careful writer as Herbert Welsh says: "From the fact that so many women and children were killed, and that their bodies were found far from the scene of action, and as though they were shot down while flying, it would look as though blind rage had been at work, in striking contrast to the moderation of the Indian police at the Sitting Bull fight when they were assailed by women" (Welsh, 3). The testimony of American Horse and other friends is strong in the same direction. (See p. 839.)

Commissioner Morgan in his official report says that "Most of the men, including Big Foot, were killed around his tent, where he lay sick. The bodies of the women and children were scattered along a distance of 2 miles from the scene of the encounter" (Comr., 35).

This is no reflection on the humanity of the officer in charge. On the contrary, Colonel Forsyth had taken measures to guard against such an occurrence by separating the women and children, as already stated, and had also endeavored to make the sick chief, Big Foot, as comfortable as possible, even to the extent of sending his own surgeon, Dr. Glennan, to wait on him on the night of the surrender. Strict orders had also been issued to the troops that women and children were not to be hurt. The butchery was the work of infuriated soldiers whose comrades had just been shot down without cause or warning. In justice to a brave regiment it must be said that a number of the men were new recruits fresh from eastern recruiting stations, who had never before been under fire, were not yet imbued with military discipline, and were probably unable in the confusion to distinguish between men and women by their dress.

After examining all the official papers bearing on the subject in the files of the War Department and the Indian Office, together with the official reports of the Commissioner of Indian Affairs and of the Secretary of War and the several officers engaged; after gathering all that might be obtained from unofficial printed sources and from conversation with survivors and participants in the engagement on both sides, and after going over the battleground in company with the interpreter of the scouts engaged, the author arrives at the conclusion that when the sun rose on Wounded Knee on the fatal morning of December 29, 1890, no trouble was anticipated or premeditated by either Indians or troops; that the Indians in good faith desired to surrender and be at peace, and that the officers in the same good faith had made preparations to receive their surrender and escort them quietly to the reservation; that in spite of the pacific intent of Big Foot and his band, the medicine man, Yellow Bird, at the critical moment urged the warriors to resistance, and gave the signal for the attack; that the first shot was fired by an Indian, and that the Indians were responsible for the engagement; that the answering volley and attack by the troops was right and justifiable, but that the wholesale slaughter of women and children was unnecessary and inexcusable.

Authorities differ as to the number of Indians present and killed at Wounded Knee. General Ruger states that the band numbered about 340, including about 100 warriors, but Major Whiteside, to whom they surrendered, reported them officially as numbering 120 men and 250 women and children, a total of 370 (War, 15; G. D., 38). This agrees almost exactly with the statement made to the author by Mr. Asay, a trader who was present at the surrender. General Miles says that there were present 106 warriors, a few others being absent at the time in search of the party under Kicking Bear and Short Bull (War, 16). Among those who surrendered were about 70 refugees from the bands of Sitting Bull and Hump (G. D., 39). No exact account of the dead could be made immediately after the fight, on account of a second attack by another party of Indians coming up from the agency. Some of the dead and wounded left on the field were undoubtedly carried off by their friends before the burial party came out 3 days later, and of those brought in alive a number afterward died of wounds and exposure, but received no notice in the official reports. The Adjutant General, in response to a letter of inquiry, states that 128 Indians were killed and 33 wounded. Commissioner Morgan, in his official report, makes the number killed 146 (Comr., 36). Both these estimates are evidently too low. General Miles, in his final report, states that about 200 men, women, and children were killed (War, 17). General Coldy, who commanded the Nebraska State troops, says that about 100 men and over 120 women and children were found dead on the field, a total of about 220 (Colby, 4). Agent Royer telegraphed immediately after the fight that about 300 Indians had been killed, and General Miles, telegraphing on the same day, says, "I think very

few Indians have escaped" (G. D., 40). Fifty-one Indians were brought in the same day by the troops, and a few others were found still alive by the burial party 3 days later. A number of these afterward died. No considerable number got away, being unable to reach their ponies after the fight began. General Miles states that 98 warriors were killed on the field (War, 18). The whole number killed on the field, or who later died from wounds and exposure, was probably very nearly 300.

According to an official statement from the adjutant general, 31 soldiers were killed in the battle. About as many more were wounded, one or two of whom afterward died. All of the killed, excepting Hospital Steward Pollock and an Indian scout named High Backbone, belonged to the Seventh Cavalry, as did probably also nearly all of the wounded. The only commissioned officer killed was Captain Wallace. He received four bullet wounds in his body and finally sank under a hatchet stroke upon the head. Lt. H. L. Hawthorne, of the Second Artillery, was wounded (War, 19). The last-named officer owed his life to his watch, which deflected the bullet that otherwise would have passed through his body.

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Mr. DIMOND. I wonder whether copies of the departmental reports are available.

Mr. BARTON. I have copies of both reports.

Mr. FRANCIS H. CASE. Here are copies of the reports.

Mr. MURDOCK. Mr. Zimmerman, have you a further report or statement to make before the committee?

Mr. ZIMMERMAN. Mr. Chairman, the Department's report is lengthy. I think it reviews the facts as they appear in the Department's records. I do not think it is necessary for me to add anything to that.

Mr. BARTON. Do you think we should have a representative of the War Department here?

Mr. MURDOCK. We have, of course, a lengthy report from the War Department, but it might be well to have a representative of the War Department here.

Mr. BARTON. It appears that General Miles made two statements.

Mr. FRANCIS H. CASE. One shortly following the incident, and another statement in 1917.

Mr. MURDOCK. How soon could you put the report you have in mind in our hands?

Mr. FRANCIS H. CASE. Sometime this week.

The CHAIRMAN. I think the committee had better have another meeting soon, while these facts are fresh in our minds. Would it be satisfactory to the members of the subcommittee to meet at the call of the chairman?

Mr. FRANCIS H. CASE. Mr. Chairman, I think it would be all right to have a representative of the War Department appear the next time the committee meets. We want this case to stand up if it goes to the floor and we should hear both sides or the House will ask us why we did not and that would be as far as we would get.

Mr. MURDOCK. I will call the meeting, then, at the first moment the evidence is available.

The committee stands adjourned.

(Thereupon the subcommittee adjourned subject to the call of the chairman.)

## SIoux INDIANS, WOUNDED KNEE MASSACRE

THURSDAY, MAY 12, 1938

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE OF THE COMMITTEE ON INDIAN AFFAIRS.

The subcommittee met at 10 a. m., Hon. John R. Murdock presiding.

MR. MURDOCK. We will resume the hearings on H. R. 2535, "To liquidate the liability of the United States for the massacre of Sioux Indian men, women, and children at Wounded Knee on December 29, 1890."

The committee has not entirely assembled, but I think we might as well begin since the House meets today at 11 o'clock, and we need to hurry along.

The Chair must confess to a little negligence in failing to notify the representative of the War Department earlier. We have with us this morning Colonel Brennan, representing the War Department. I believe the colonel has not had time to look over the hearings that have been held thus far. We will be glad to hear Colonel Brennan at this time.

### STATEMENT OF LT. COL. R. H. BRENNAN, OFFICE OF CHIEF OF STAFF, WAR DEPARTMENT

Colonel BRENNAN. Mr. Chairman, the War Department's opposition to this bill, I think, may be stated to be primarily based upon the theory that it is not proper nor justifiable and in the interest of the Government that recompense should be made by the Government to people who were killed while under arms fighting against the Government. This matter of the Battle of Wounded Knee has been one of dispute ever since it took place. I lived as a boy out in the Sioux country, in the Northwest. While I was young then, and came East at that time, I remember it very well.

So far as the War Department could determine at that time—and the facts are stated in the printed hearings and it is not necessary for me to repeat them—but so far as the War Department could determine at that time the Indians were guilty of great treachery which might have resulted in the massacre of our own troops of the Seventh Cavalry. The Indian squaws had concealed weapons that were supposed to be surrendered, in their tepees. It appears that they were sitting on them. The first fire was from the Indians, who were a hundred yards, or more, away, from the tepees, firing the weapons they had concealed. The Indians broke out, and opened the firing. Only a few of our men could open fire, because they were so close. They were in a position where they could not get into action without

endangering our own men. The Indian men moved into the tepees, and fired from them. While it is not a matter of record, I have no doubt, personally, that the squaws did what they had done before, and took part in the fight.

The proposition comes right down to this, that our troops were out there performing a certain mission under orders from the military authorities. They were instructed that they must disarm those men. They were in two bands, one part the Sitting Bull Band, who was not a chief, but a medicine man. Our troops undertook to do what they were ordered to do, and there was treachery on the part of the Indians in firing on them, with the result that many Indians were killed, as well as many squaws. Also, it seems to be entirely ignored in this movement that our own soldiers who were there were performing their duty under military orders. Under those circumstances, it seems that for the Government to propose to pay damages on account of men who were fighting against our own troops would establish a dangerous precedent. It seems to me that it would be a dangerous precedent to establish, because if such a precedent is established you had as well throw it open to the War of 1812, the Civil War, and other wars.

You have the report of the War Department, and I have nothing further to say, except that that is our theory, so far as the War Department is concerned.

Mr. MURDOCK. Mr. Dimond, do you have any questions?

Mr. DIMOND. No.

Mr. MURDOCK. Colonel Brennan, I believe you are a native of that part of the country.

Colonel BRENNAN. Yes, sir; I was born in the Army out there.

Mr. MURDOCK. What was the general attitude of the people in that part of the Northwest immediately following this battle? Was it the general attitude that the troops were justified in what they did, or that it was an unprovoked massacre?

Colonel BRENNAN. I cannot say as to that, because I was not there. I was a boy at the time; I saw the newspapers, and I remember hearing about it from my mother who had lived with the Army since she was a bride. Personally, I know nothing about it.

Mr. DIMOND. If I recall, there is some statement in the record purporting to be based on a statement made by General Miles, in which it was stated, or there was, at least, the implication that there was some fault on the part of the soldiers.

Colonel BRENNAN. I remember that. When General Miles was in the active service, and the matter was fresh with him, he criticized Colonel Forsyth severely, but I do not remember that he considered it a massacre at all. It was in 1917, or 27 years later, that he made that statement to the Commissioner of Indian Affairs. In 1917 General Miles was quite an old man, with decided views, but, immediately following the action, while severely criticizing Colonel Forsyth for the disposition of the troops, and while criticizing him for lack of precaution, he did not go further. He criticized the disposition of the troops at that time. I think we should take into consideration, when looking at his 1917 statement, that many years had gone by. In 1917 General Miles was getting along in years, mentally as well as physically, and we know that as we hark back to our early days, we have rather strong and sometimes incorrect memories. He was 78 years old at the time.

There is nothing to indicate that he held that view in 1890, or immediately following the action.

Mr. DIMOND. There is nothing in the records of the War Department that you know of that would indicate that at the time of the action, General Miles entertained the views that he expressed in 1917?

Colonel BRENNAN. No, sir; I do not know of any. The records are fully quoted in the letter of the Secretary of War.

Mr. MURDOCK. The Army at that time was using Indian scouts, was it not?

Colonel BRENNAN. Yes, sir; they must have been using them at that time.

Mr. MURDOCK. That was the practice throughout the West in those days. A number of those Indian scouts employed by the Government were killed, were they not?

Colonel BRENNAN. I think that our losses are stated in the record. I think the losses were about 1 officer and 20 men killed, and, perhaps, 1 officer and 30 or 40 men wounded.

Mr. DIMOND. I think the inference sought to be made is that our officers and men who were killed and wounded were killed and wounded by the cross-fire of our own troops.

Colonel BRENNAN. I do not believe that any of us can ever determine what happened there. The immediate investigation disclosed, as a matter of fact, that only a few men, or two troops, fired at the start, because they were in a position where they could not fire without firing on our own troops. That is one reason for the criticism of Colonel Forsyth, in the disposition of the troops. Our men could not fire without firing upon our own forces. Of course, that was a bad situation.

Mr. MURDOCK. Are there any other questions?

Mr. BARTON. Mr. Chairman, I was compelled to arrive a little late. May I ask what was the first testimony of this witness as to the War Department's records showing that these Indians have no just claim in this matter?

Colonel BRENNAN. The War Department's theory is this, that our troops having been in conflict with the Indians, and, particularly, with the Sioux, who had been on the warpath for some time, or for, perhaps, 10 or 15 years, with one band led by Sitting Bull and one other band, our troops were fired upon by the Indians. The conflict started with many of the Indians firing from among their own women, and the Department's theory is that the Government should not pay damages for any injury inflicted during a fight with enemies of the Government. That is substantially the theory of the War Department.

Mr. CASE. Mr. Chairman, I am not a member of this subcommittee, but I am a member of the Committee on Indian Affairs, and, if I may, I want to ask Colonel Brennan some questions.

Mr. MURDOCK. Certainly, proceed.

Mr. CASE. Colonel, have you read the statement of General Miles in the report of the Secretary of War made back in 1891, that being a contemporary report, and which gives a statement of the causes of the Messianic troubles? It was published in the Smithsonian report.

Colonel BRENNAN. Yes, sir; I have read it, but I do not remember all of it at this time.

Mr. CASE. That is in the hearings, as a part of the matter obtained from the report of the Smithsonian Institution. There is a list of the causes, and in that report, General Miles cited 10 failures on the part of the Government to carry out agreements which had been made with the Sioux Indians, and General Miles in the report said that General Ruger, commanding the Department of Dakota, cited them as reasons for the Messianic troubles.

Colonel BRENNAN. From my own knowledge of history I think that our breaches of faith with the Indians were rather disgraceful; but the troops of the Seventh Cavalry were ordered out there with a definite mission to perform, and they had nothing to do with that. That is my personal opinion, and I am not speaking for the War Department on that at all.

Mr. CASE. I notice that in your remarks a few minutes ago you said that the opposition of the War Department was upon the ground that there should not be any indemnity allowed for either women or children who were killed, saying that the firing was from them in the first place, but what would you say if there is evidence, not repeated rumors, but contemporary evidence found at the time, that women and children were pursued, and were found killed a mile or two from the scene of the battle?

Colonel BRENNAN. So far as that is concerned, or so far as the War Department's records show, when the Indians broke away from their camp, they fled with men and women mounted. As they fled, they kept on firing, as we know is frequently done in Indian warfare. In fact, they fire more from their horses than from the ground. As to the people who were found 3 or 4 miles away, there is no definite evidence that they were killed by troops. In fact, I do not know that the troops made any such prolonged pursuit as that, and, of course, the range of their rifles was very short.

Mr. CASE. The article by Mr. Mooney, in the Smithsonian report, quoting from the official report of Commissioner Morgan, contains this statement:

Most of the men, including Big Foot, were killed around his tent, where he lay sick. The bodies of the women and children were scattered along a distance of 2 miles from the scene of the encounter.

Colonel BRENNAN. That may be, but, on the other hand, back in 1891, the Indian men and Indian women were hardly distinguishable so far as appearance was concerned. If a crowd is being fired upon, and it includes men and women, it would be almost inevitable that some of the women would get hurt.

Mr. CASE. And, also, children?

Colonel BRENNAN. I do not know how many children there were. I do not know what that evidence is, but I would like to submit this, that if you are commanding troops, and somebody fires on them, and the fire comes from among women and children what will you do? Will you let your own people be killed?

Mr. CASE. Of course, the women and children were present, but there is no evidence that women and children did any firing. Certainly they were not firing when they were killed 2 or 3 miles from the scene of the battle. Two hundred women and children were killed and only 90 warriors.

Colonel BRENNAN. Our records indicate that they were firing.

Mr. CASE. The women and children?



Colonel BRENNAN. There were women and children there. Whether the women were firing or the men were firing, they began the firing from where they were.

Mr. CASE. I again call attention to the report of Mr. Mooney, in which he says this [reading]:

On this point such a careful writer as Herbert Welsh says, "From the fact that so many women and children were killed, and that their bodies were found far from the scene of action, as though they were shot down while flying, it would look as though blind rage had been at work in striking contrast to the moderation of the Indian police at the Sitting Bull fight, when they were assailed by women."

That is all contemporary material. This report of Mooney was printed in the Smithsonian report for 1893.

Colonel BRENNAN. I might state that the War Department's reports were also contemporary. General Miles, as I have said, severely criticized the commanding officer of the Seventh Cavalry for his disposition of the troops. I can only judge it from the evidence. I know that in a conflict of this sort, where you are engaged in battle, where the people you are opposing keep up their fire while moving, the only way you can clinch your victory is by pursuing them. Pursuit is one of the important elements of a battle. That is what causes it to end in victory. If you stop, they will come around again.

Mr. CASE. I call attention to this item, contained in the report from the Secretary of War, dated February 12, 1891, which contains this statement:

The bodies of an Indian woman and three children who had been shot down 3 miles from Wounded Knee were found some days after the battle, and buried by Captain Baldwin of the Fifth Infantry on the 21st of January; but it does not appear that this killing had any connection with the fight at Wounded Knee, nor that Colonel Forsyth is in any way responsible for it.

The implication, however, is clear that it grew out of that trouble.

Colonel BRENNAN. I would like to suggest in that connection that, assuming that they were killed during that fight, they may have been severely wounded, and still able to sit on their ponies and go 3 or 4 miles before falling off. They were hardy people.

Mr. CASE. There is no evidence, for the most part, that they were on ponies.

Colonel BRENNAN. I cannot say as to that.

Mr. BARTON. Have you read the testimony that we have taken so far in this case?

Colonel BRENNAN. No, sir.

Mr. BARTON. May I read two excerpts from the statement of Mr. Ralph H. Case, an attorney who was representing the Sioux Indians here. I read:

Mr. BARTON. Major, you emphasized the fact that it was the Seventh Cavalry that was in the Custer massacre?

Mr. RALPH H. CASE. I did.

Mr. BARTON. And that the Seventh Cavalry engaged in the Wounded Knee battle was the same Seventh Cavalry. Did you mean to intimate that there was a spirit of revenge that had been passed down in that outfit?

Mr. RALPH H. CASE. I did mean to intimate that; and I will show you, Congressman, that the commanding officer was Major Whitside. At the end of the late war I served under his son, who was then Lt. Col. Warren W. Whitside, and while this is not good evidence, nevertheless I will say for the record that Colonel Whitside told me that the Seventh Cavalry went to Pine Ridge with full intent of getting even for the loss of Custer at Little Big Horn 14 years before.

That is not good evidence, but it is what a son of the man who was in command told me.

Colonel BRENNAN. I think that might logically follow. I think that an outfit that had been badly shot up would have some pretty definite feelings about it when they got into another fight. You could not stop that. It might have been bad judgment to send the Seventh Cavalry on this mission. I think that undoubtedly there was something of that, but the fact remains that the Seventh Cavalry was there with a comparatively small force, showing that they were not there anticipating trouble of this sort.

Mr. BARTON. How many men were in the Seventh Cavalry, at the time of this engagement?

Colonel BRENNAN. I cannot say, but I imagine that a Cavalry regiment at that time, on peace footing, would have probably not more than 600 men in it. Probably our reports show that.

Mr. BARTON. What were the casualties?

Colonel BRENNAN. About 20 killed and 30 or 40 wounded, or about 10 percent. There was a time when it was felt that 5 percent was about the maximum that an outfit could stand.

Mr. BARTON. Has there been any instance in our history where Congress has made an award to the survivors of a battle of that sort?

Colonel BRENNAN. I never heard of one. I have had very little time to prepare for this hearing, but when I go back, I can look it up.

Mr. BARTON. Such an award would be regarded by the Army as a very serious reflection on the service.

Colonel BRENNAN. Yes, sir. Of course, inevitably, we would feel that it was a tremendous reflection on the service to say that an action that produces losses means a massacre of the other side. But, more than that, as a matter of policy, which, of course, is for you to decide, if we are going to pick out instances in our past where we may think from the evidence that, perhaps, the particular troops involved went too far, it looks to me as if we would have in effect impromptu court-martials for all the officers who have commanded troops during the last 150 years. For instance, in the case of the Philippine Insurrection, as well as during the Indian Wars, many newspapers in this country were all on the side of the Philippines, and, I have no doubt they were in good faith; but the fact always remains that there are two sides to a question, and people will always be taking one of the two sides. Going back to the troubles in the West, from 1870 to 1890, many newspapers in the East were critical of the Administration and of the Army, although the Indians then considered the Army as their friends, I think.

Mr. CASE. Colonel, you would not imply that instances like the Wounded Knee affair are so common that this would create a precedent that would call for general courts-martial of Army commanders?

Colonel BRENNAN. No, sir; I would not say that; but when you have a lot of agitation for and against Army policies and actions, it seems to me that every little instance could be brought up years later, and you cannot tell what the answer would be. I am frank to say that nobody can tell definitely from the start just what happened at Wounded Knee.

Mr. CASE. In view of the fact that that point has been made as to the two statements by General Miles, one in 1891 and one in 1917, I would like to call the attention of the committee to this part of General

Miles' statement of January 31, 1891, cited in the report by General Craig on this bill:

However, General Nelson A. Miles, in submitting the proceedings of the investigation of the conflict at Wounded Knee on January 31, 1891, made the following statement:

"Thirdly, an examination of the accompanying map and testimony shows conclusively that at the beginning of the outbreak not a single company of the troops were so disposed as to deliver its fire upon the warriors without endangering the lives of some of their own comrades. It is in fact difficult to conceive how a worse disposition of the troops could have been made."

He says further in the same report:

It will be noticed that it would have been perfectly practicable for the entire command of upward of 450 men to have been placed between the warriors and the women and children, with their backs to the latter and their faces toward the warriors, where they might have used their weapons effectively if required.

He further states in this report:

The fact that a large number of the 100 warriors were without firelocks when the outbreak occurred is shown by the evidence that 48 guns had been taken from the teepees and that a personal search of 20 or more warriors resulted in finding them unarmed.

He further says:

I also forward herewith the report of Captain Frank D. Baldwin, Fifth Infantry, concerning the finding of the bodies of a party of women and children about 3 miles from the scene of the engagement on Wounded Knee Creek. This report indicates the nature of some of the results of that unfortunate affair, results which are viewed with the strongest disapproval by the undersigned.

That was the statement of General Miles at the time, in 1891. That does not indicate any particular change of opinion or of any softening of feeling on his part. He condemned it in 1891 as he did in 1917.

Colonel BRENNAN. What you have read is a criticism of the disposition of the troops. He charges Colonel Forsyth with making such a disposition of the troops that when they fired, they would kill each other. I am sure that it was not the idea to dispose the troops between the braves and their families, with their backs toward the families. I do not think anybody would agree that that would be advisable. Nobody would do that.

Mr. CASE. It would not have caused the slaughter of women and children.

Colonel BRENNAN. No, sir; but it might have caused the slaughter of the troops. Indian women frequently took part in the fighting, and properly so. I believe that the women should take a part.

Mr. CASE. They need not dispose their troops so that they would be firing on their own comrades.

Colonel BRENNAN. The testimony is clear that many, and, perhaps, the bulk of the troops did not fire because they could not do it without endangering their comrades. General Miles, as I remember it, does not at any place charge that it was a massacre. He thought that Colonel Forsyth disobeyed orders, was reckless, and, perhaps, resented instructions, and so forth. He thought that he did not know how to handle the situation, but I do not remember that there was any charge of a massacre until 1917.

Mr. DIMOND. As a matter of human interest, do the records show that Colonel Forsyth was court-martialed on account of his disposition of the troops?

Colonel BRENNAN. I do not know, but I will look it up. He was suspended from command during the investigation and then restored to command.

Mr. BARTON. The Secretary of the Interior, in his letter to the chairman of the Committee on Indian Affairs, dated April 28, 1937, states:

The Wounded Knee incident has been properly called a "massacre."

There appears to be a difference of attitude as between the two Departments.

Colonel BRENNAN. Our attitude is taken entirely in good faith on the facts so far as we know them.

Mr. BARTON. Have you any other evidence, Colonel, or any contemporary reports, apart from General Miles' letter, in the War Department's files that would throw any further light on this matter?

Colonel BRENNAN. The report of General Miles has been incorporated. It is all in the files, and when I go back, I will take the matter up with our historical section and see what further information I can get for you. I will bring it up as soon as I can get it.

Mr. MURDOCK. I think that would be helpful.

Colonel BRENNAN. We will not conceal anything.

Mr. CASE. Naturally, Colonel, and very properly, I think, you are loyal to the Army and the whole record of the Army in this affair. That is to be expected. Since some question was brought up by Mr. Barton concerning some carry-over feeling on account of the Battle of Little Big Horn and General Custer, I wonder if you will let me call attention to a few paragraphs of the statement of General Scott, which has been put into the record by permission of the committee the last time we held hearings on this matter.

Colonel BRENNAN. I am not familiar with that statement.

Mr. CASE. This is a statement by Gen. Hugh L. Scott, printed in the New York Times of January 6, 1935. I hope the committee will read the entire excerpt in full. General Scott pointed out in the statement that he had just received his commission about the time that Custer's command was wiped out, and, realizing that would create vacancies, he applied for and received an appointment in the Seventh Cavalry. On going out there, he talked with the Army men who were familiar with the incident, and he talked with the Indians. As an officer there at the time, he made this comment with respect to the so-called Custer massacre:

#### GENERAL SCOTT ON CUSTER'S LAST FIGHT

All during my youth I believed what was told me, that this battle was necessary—that the Sioux had to be subdued and brought into their agencies, that the great number of Sioux from the different Sioux agencies had gone out there to fight. But investigation has since taught me otherwise. It is now my opinion that the act of the Secretary of the Interior ordering all those Indians to report to their agencies before January 31, 1876, and threatening otherwise to use force was a crime against humanity. The Secretary had no more right to do this than I would have had to order the people of Philadelphia to report to me and then send troops to coerce them for not obeying.

The Indians were in the Indian country, making meat and robes for the support of their families.

There were treaties extant, confirmed by the Senate of the United States, the supreme law of the land, making it a trespass for white men to enter that country. The Indians were as far away as they could get from the white man, 600 miles from the railroad.

I have interrogated many agency Indians who were in the fight, asking what they had done and why they were out there. They were perfectly frank with me, saying that they had killed a soldier for instance, or captured a horse; some said they were not allowed to be present at the sun dance at the agency and had come out to be present at the sun dance in what was called the "hostile village"; others said they were there to make robes and meat for their families.

But I never saw one who admitted that he had gone out there to fight. Our ideas about that are altogether wrong. The Indians were attacked at the instance of the Interior Department while they were peaceably attending to their own business, with no desire to fight. To be sure, it was dangerous for white men to be in that country, but white men had no business there and were trespassers.

Colonel BRENNAN. I agree with the general spirit of that. I have never heard an Army officer criticize the Indians for what happened at the Little Big Horn. The Interior Department, which is another Department of the Government, did not treat the Indians fairly. Settlers trespassed on their lands at times, but the Army did not have anything to do with that. Under the President's order, they had to do what they did.

Mr. CASE. Of course, the only thing the Army can do is to obey orders, but I cite that in order to bring out this point: It is customary to say the Custer Massacre, but to the Indians it was the battle of Little Big Horn, because they were in their own country. The Army was a trespasser, under treaties confirmed by the Senate. We call this engagement the Battle of Wounded Knee, but the Indians call it the Massacre of Wounded Knee. Why? Because there they were in process of surrendering their arms, and were shot down—men, women, and children.

Colonel BRENNAN. I might say, in regard to one thing, that I do not think you could say that the United States Army was a trespasser. The United States exercised sovereignty out there, and there could be no trespassing on the part of the Government. The Army was not a trespasser. You will recall those treaties were not treaties in the constitutional sense. I believe the courts have decided that point.

Mr. MURDOCK. I would like to ask whether anyone present, the Colonel, or any member of the committee, has in mind a similar episode, so that favorable action on this bill would set a precedent.

Colonel BRENNAN. I have not myself.

Mr. MURDOCK. Or is this a unique case? Perhaps what I am asking here has no particular bearing on this, but we should consider it. There seems to have been numerous instances in the West where something like this has happened. I am thinking, for instance, of an instance down on the San Pedro River, in what was the Territory of Arizona, involving the Apaches. In that case, men, women, and children were shot down.

Mr. DIMOND. Was any compensation made?

Mr. MURDOCK. No compensation was made. Now, if we turn back the pages for 50 years, and try to deal justly in these cases, will we be opening the door? I am not sure whether the door should be opened, or not, but I am wondering whether this is only one instance, or whether there are a number of others like it.

Mr. CASE. There is nothing indicated in the Secretary's report. Many of these claimants are living today and bear the marks of their wounds. At a meeting of the Wounded Knee Survivors' Association that I attended last fall, a man had to be carried in. He had been wounded when he was a boy, and, of course, he was a small boy at that time. It made him a cripple for life. It does not seem as though

we are turning back the pages very far when we see people before us who still carry their wounds.

I have no desire to prolong this hearing, except to say that there are a number of Indians from the Pine Ridge in town on other business, and I would like to have their presence today noted in the record.

Mr. MURDOCK. Are there any other questions? Would you like to make a further statement, Colonel Brennan?

Colonel BRENNAN. No, sir; except that I hope it will be understood that I express no prejudice in this matter. I was brought up among the Sioux as a child in that country, and I have always been in sympathy with them. What I have said is what I believe to be the proper thing.

Mr. BARTON. Is there anyone here from the Interior Department, or from the Indian Bureau?

Mr. REEVES. My name is Reeves, Mr. Barton.

Mr. MURDOCK. Shall we hear Mr. Reeves now? We have only 15 minutes.

Mr. BARTON. Mr. Chairman, I doubt if these Indians have anything to contribute beyond what the other witnesses gave us and what is in the Indian testimony taken in 1920.

Mr. MURDOCK. In that event we will be glad to hear from Mr. Reeves, if he cares to make a statement.

#### STATEMENT OF JOHN R. T. REEVES, ESQ., CHIEF COUNSEL, OFFICE OF INDIAN AFFAIRS, INTERIOR DEPARTMENT

Mr. REEVES. Mr. Chairman and gentlemen of the committee: I have no extended statement to present to you at this time. The departmental report on this bill goes into the matter somewhat extensively and outlines at least the essential situation as we see it.

The concluding paragraph of that report shows the attitude of the Budget Bureau on the bill now pending before this committee.

Admittedly in those early days doubtless both the Interior Department and the War Department made many military and civil errors. It has frequently been admitted that the Government on a number of occasions has violated its treaty with the Sioux Indians. Whether or not they are now entitled to redress is largely a matter of policy for this committee and Congress to determine. Frankly, as friends of the Indians we would be very glad to see that done.

However, there is the question that has been raised by your chairman as to the establishment of a precedent. There may be other incidents of a similar nature, probably not as recent in point of time as this, but during the period of the conquest of this country by the white man. Undoubtedly there were other cases of a similar nature where such wrongs were perpetrated. That may have a material bearing on this situation that is now before you. You all doubtless recall the so-called Seminole War and the shameful treatment of Osceola when he came out under a flag of truce and was shot down without justification.

Mr. BARTON. Was a claim made to Congress in that case?

Mr. REEVES. Not to my knowledge.

Mr. DIAMOND. Insofar as your knowledge goes, this is a unique case.

Mr. REEVES. Well, it is an outstanding incident in the settlement of that country during the early days when complications arose and

frequently the Interior Department called on the President for military assistance in the administration of its affairs, and naturally under those circumstances the War Department responded to orders.

Mr. DIAMOND. I did not have reference to that. Is this the only claim that has been presented to Congress so far as you know?

Mr. REEVES. There have been other bills presented, Mr. Dimond. None have been enacted as far as I recall. Mr. Paulus, who is connected with the Indian Office in the Land Division refers to the Chief Heavy Runner case.

Mr. MURDOCK. We will be glad to hear Mr. Paulus on that claim.

**STATEMENT OF GEORGE M. PAULUS, ESQ., CHIEF OF THE CLAIMS SECTION, LAND DIVISION, BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR**

Mr. PAULUS. There was a claim some years ago of a somewhat similar nature based on an occurrence up in Montana. There was Chief Heavy Runner; he was a reputedly peaceful chief and the orders to the officers of the Army were that he was not to be molested and the orders were that they were to leave his camp alone but by mistake or somehow or other his camp was attacked and he was killed. His heirs have since submitted a claim for compensation for the loss of his life and for the loss of livestock, and I believe a bill was introduced to that effect some years ago.

Mr. DIMOND. You do not know whether or not it was passed?

Mr. PAULUS. It was not passed. We have recent correspondence about the claim.

Mr. BARTON. What year was that?

Mr. PAULUS. I am not sure, but I think it was in 1872 when it occurred.

Mr. MURDOCK. Thank you. Have you, Mr. Reeves, a further statement?

Mr. REEVES. No, sir.

Mr. MURDOCK. Have any of you gentlemen any further questions that you wish to ask Mr. Reeves?

Mr. BARTON. We have here everything which is essential that is in your files.

Mr. REEVES. The departmental report is somewhat extensive and submits special facts and indicates the attitude of the Department.

Mr. DIMOND. Mr. Chairman, I will have to leave at this time. I assume that we will not pass upon this bill until the record is printed and we have had an opportunity to review it.

Mr. MURDOCK. That is a fact.

Mr. CASE. May I ask permission, Mr. Chairman, if any of these Indians present desire to submit statements that they be permitted to do so and that such statements be inserted in the record?

Mr. MURDOCK. Such permission is granted.

Mr. CASE. Before we conclude I would like to introduce some of these Indians who are present who have not spoken.

I would like to introduce Capt. R. T. Bonnin, who is a Sioux living in Washington, who is a very good friend of the Indian, and ask him to present the rest of the Indians.

Captain BONNIN. This is Charles Brooks from the country where that massacre took place. I will ask Mr. Brooks to introduce the rest of the delegation, as he knows them better than I do.

Mr. BROOKS. This [indicating] is James Grass, of the Pine Ridge Reservation.

Mr. MURDOCK. We are glad to know you.

Mr. FRANK WILSON. Mr. Grass was one of the scouts serving at the time of the Wounded Knee Massacre. He was serving under General Miles at the time.

Mr. BROOKS. The gentleman who just spoke is Mr. Frank Wilson of the Pine Ridge Reservation.

This is Spotted Owl of the Pine Ridge Reservation.

Mr. MURDOCK. We are glad to know you.

Mr. CASE. I might add, Chief Spotted Owl is the head of the treaty council, a voluntary organization of the older Indians and particularly of the full-blood Indians. He represents a large number of Indians. Mr. Wilson who has spoken is president of the Oglala Sioux, the tribal organization of the Pine Ridge Reservation, organized under the Reorganization Act of 1934.

Mr. WILSON. Mr. Chairman, may I make a statement regarding the man's status. This man is one of the foreign Indians on our reservation, Mr. Spotted Owl. He was one of those deported from the Cherokees. He came into our Pine Ridge Reservation at the time when this trouble came about and he was allotted on our reservation through the hospitality of our own people.

Mr. MURDOCK. Do I understand that he is a Cherokee?

Mr. CASE. You will recall the story Mr. Ralph Case told of Big Foots band coming down from the north, down through the Bad Lands to the Indian country—the Wounded Knee survivors—many are on the Pine Ridge Reservation today, and they came down from Sitting Bull's band up north. Some of Big Foot's band returned to and are living on the Cheyenne River Reservation. They keep in touch with the survivors' association on the Pine Ridge through a corresponding secretary, Mr. James Hi Hawk, of Bridges. Their claims have been carefully assembled by Mr. James Brown Dog, of Faith.

Mr. WILSON. James H. Red Cloud, the grandson of Joseph Red Cloud, our former chief of the Cheyennes.

The next is Peter Bull Bear from our reservation at Kyle.

The next man is Cornelius C. Craven, who is the treasurer of our council.

Henry Standing Bear is the next man, a member of the council. That comprises the whole delegation.

Mr. MURDOCK. We are very glad to have you drop into this meeting and we want to assure you that the committee members have your interest at heart.

Mr. WILSON. Mr. Chairman, may I interject a few words?

Mr. MURDOCK. We will be very glad to have your statement.

#### STATEMENT OF FRANK WILSON

Mr. WILSON. My statement will be short and brief. It is that the claim of the survivors of the Wounded Knee Massacre is based on a just grievance and have a right to come before you. The statement of Colonel Brennan has been made as to what was reported as having occurred at that time. We lived there at the time. We saw the trouble with our own eyes. We smelled the powder at that time.



We saw the babies that froze in the fields 2 days later. That is all I want to interject.

Red Cloud wants to say a few words.

Mr. MURDOCK. We will be glad to hear Red Cloud.

**STATEMENT OF JAMES H. RED CLOUD (INTERPRETED BY FRANK WILSON)**

Mr. RED CLOUD. In compliance with the orders of the United States Government and the Army, where they made these treaties with us we laid down our arms. Then we started up the way. We pledged our people to support the United States Government by laying down our arms. We agreed to adopt the social and every other mode of living and at one time we held the entire country that you own today.

Although those treaties were made prior to that killing, you came in there and murdered and slaughtered our babies.

You made a pledge through the treaty that anybody who committed an offense shall pay the penalty or compensate for same, and that is all we are here to ask for, compensation for the survivors of Wounded Knee.

In 1877 you made agreements that any Indians who shall commit an offense of murder or slaughter shall be punished, and so you took and hung a member of our tribe, Two Sticks. Now, we ask you to live up to your agreement.

You came here and we received you with our hospitality, we extended all courtesy to you, and you returned to us powder and crowded us to the outer parts of our country.

You have taken the wealth and resources of our country and called it your own and we have none; we are starving today.

We are presenting our claim, legitimate claim, not as a racket but legitimate claim for the wrong that has been done us.

You higher Congressmen in both Houses do not know the actual living conditions of the Indians today. Very few Congressmen from the Indian country understand the economic conditions of the American Indians. They are all starving. You are all bucking the American Indian issue.

The majority has ruled; they have depopulated this country from Indians; they have depopulated the horse population; they have taken everything that we had and we are starving. We are in need. We are in dire need. We are, therefore, here trying to get aid through you Congressmen.

Every time Congress appropriates a sum of money for the Indians through the Government channels for disbursing money the Indian gets 25 cents and the administration gets 75 cents.

We volunteered our services in three or four wars, and, in fact, any wars, and we now want the same suffrage and the same equality that others get from you gentlemen.

Mr. MURDOCK. I wish to thank the gentleman for his statement.

Although we are pressed for time, I believe we ought to hear from one or two of the others present.

Mr. CASE. Mr. Chairman, as long as the reporter is here I would like to have the others speak. If the members want to go to the floor, I do not want to interfere with their doing so, but since permis-

sion has been granted we might have others make their statements at this time and have it in the record. I know both Spotted Owl and Standing Bear and the others, too, would like to make statements.

Mr. BARTON. The committee has granted permission for statements to be inserted in the record. I have no objection to their going in now. There are none of them survivors of the massacre? We had two survivors before us at the last meeting.

Mr. CASE. Yes; we did have two survivors at the last meeting.

Mr. MURDOCK. It throws some light on conditions in the Indian country.

Mr. Case, if you will indicate who you want to be the next speaker, we will be glad to hear him at this time.

Mr. CASE. We will then hear from Spotted Owl.

Adelbert Thunder Hawk will interpret.

### STATEMENT OF SPOTTED OWL (INTERPRETED BY ADELBERT THUNDER HAWK)

Mr. SPOTTED OWL. Mr. Chairman and Members of Congress, I was not expecting to be heard and I just came here to listen in at this hearing.

I had the privilege of appearing before this committee and I want to thank you.

We happen to represent two factions on our reservation, I being chairman of one, and Mr. Wilson being chairman of the other organization.

Mr. Red Cloud has told you of the conditions on our reservation of our own people. We are the oldest people on our reservation. We realize the conditions and we agree with the statement made by Red Cloud that those conditions as presented to you are true.

Now, if our people would only stand together and work together and cooperate together they would better their conditions and they might get somewhere, but it seems like it is absolutely impossible to get together because of the two factions that are on the reservation. There seems to be no way that we can get together, but I want to bring out this point that the Indians are in a very destitute condition and the only way that condition could be relieved is through congressional enactment, through the Government helping them, giving them the necessary assistance so that they can improve their conditions. It seems, however, that every time the Indians come before you to present a claim against the Government or present to you what they want from the Government it seems like it is put aside and they do not get what they want.

Now, I want to bring out a point that I mentioned before. I have mentioned it to several of you. We have only two privileges in America—we are allowed to participate in only two privileges. The one is the right to vote, any time that someone is running for office and they come out and tell us that it is a good thing for the Indians and they get the Indian vote and after they get the Indian vote it does not mean anything to them. The other is that when the United States goes to war and they need men we have an opportunity to participate in the fight. We only can participate in voting and fighting and I just want to tell you gentlemen whatever you do I wish you would help the Indians.

Mr. MURDOCK. We appreciate your very frank and intelligent statement.

Mr. CASE, you indicated there might be other witnesses.

Mr. CASE. We might hear next from Mr. Standing Bear.

### STATEMENT OF MR. STANDING BEAR

Mr. STANDING BEAR. I would rather not take the time of the committee because there are so many things that ought to be talked about and explained to this body, and that has been done and it is going to be everlasting as long as we are under the control of the Bureau.

I have been connected with the Indian council for the last 40 years. Although I have not as good an education in the English language as I would like to have, I understand it fairly well and I have studied the white people's ways. I am interested in my own people, and I have come to a conclusion that it would almost be useless for any of us to go to any place or to go to our white friends and make an appeal, because while they may help us out then comes another problem and so that is the situation in my mind. It looks to me as though it would be useless for me to try to point out that one thing. I thank you.

Mr. CASE. I know you have been quite active in the affairs of the Indians; you have been engaged for quite some time in the welfare work of the tribe?

Mr. STANDING BEAR. Yes, sir.

Mr. CASE. Didn't you have some part in the ceremony when President Coolidge visited you?

Mr. STANDING BEAR. Yes, sir.

Mr. CASE. What was that?

Mr. STANDING BEAR. Mr. Coolidge when he went out to the Black Hills for the summer, different groups of our people tried to get up something to entertain him, something through which we could honor him. Well, our country is a Sioux country and was Indian country not very long ago and it used to belong to the Sioux people. Therefore, when he made his visit to our country we on the Indian reservations, we Indians, we Indian people wanted to get up something in honor or in respect to the President. So, I and Chauncey Yellow Robe, who was a full-blood Indian connected with the Indian Service with whom I went to school in blankets together, talked over this and we both agreed that he would go in the Hills and I would go on the reservation among our people and get up the affair. So, we started and got everything shaped up and one of the cities of the Black Hills called it a big gathering and they had different representatives from the various different reservations who went up there and with their money part was given over to me because I knew more about it and because Chauncey Yellow Robe and I were both working together we put on a ceremony and inducted the President into the tribe according to the custom of the tribe and we named him Leading Eagle, which means that he was a high man and was made a member of the tribe. That is the meaning of that. The President died not very long after that and we were sorry to lose him.

Mr. MURDOCK. Do you recall what year that was?

Mr. STANDING BEAR. That was in 1927, I think.

Mr. MURDOCK. And the title given the President was Leading Eagle?

Mr. STANDING BEAR. Yes, sir.

Mr. WILSON. Mr. Chairman, may I interject a few statements for the record?

Mr. MURDOCK. We will be glad to hear you. Proceed.

#### STATEMENT OF FRANK G. WILSON

Mr. WILSON. Mr. Chairman and members of the committee, we, the Sioux Band of Indians, do not claim any traditional customs any more. We recognize no nobility amongst our people. We want to be recognized as American citizens. We do not think that the United States Government owes us a living, but we want to have that free privilege to go out and make our way according to the laws of the Nation; and we want the United States Government to observe its obligations through its contracts and treaties and to perform its duties. Thank you.

Mr. CASE. Mr. Grass, would you like to say something about the Wounded Knee Massacre because of your experience as a scout under General Miles?

#### STATEMENT OF JAMES GRASS (INTERPRETED BY ADELBERT THUNDER HAWK)

Mr. GRASS. Mr. Chairman and members of the committee, the Wounded Knee massacre, before it occurred they were the people who were killed, who came from the northern Sioux country. They belonged to the northern band. They were part of the Big Sioux Band. They were coming—we heard they were coming to Pine Ridge and we waited for them. We were to meet them. I was a scout with the troops.

On the day they arrived on the Pine Ridge Reservation I was detailed to carry a message to the Indians so I was gone for 2 days and the day I left and the next day I left they were killed and when I came back we helped bury them. We buried old men and old women; women that were still with child and even infants. We saw those children, perfectly harmless who could not even harm anyone that were killed; even little infants. About 2 miles up the ravine along the creek there were people lying dead, some Indians were scattered all along right there dead. We picked them up and buried them and took them back and there were many women.

Mr. MURDOCK. I would like to ask a question at this point.

Among all those that you buried did you observe any Indian scouts who were connected with the Army who had been killed?

Mr. GRASS. There was only one scout that was killed; he was not buried there but they took him back to the agency.

Mr. MURDOCK. You are positive that at least one Indian scout serving in the Army was killed in that affair?

Mr. GRASS. Yes; I did not get to see him and I was not there at the actual fighting. I was there later.

Mr. CASE. Did they bury them in individual graves or all in one ditch?

Mr. GRASS. They were buried in this one big trench.

Mr. BARTON. Do you mean they were buried like you would stack cordwood in one mass?

Mr. GRASS. Yes.

Mr. BARTON. How old were you at that time?

Mr. GRASS. I was about 27 years old.

Mr. BARTON. And then you are about 74 years old now?

Mr. GRASS. Yes, sir.

Mr. CASE. Thank you very much, Jim.

I wish to thank the committee for its kind consideration.

The CHAIRMAN. If there is nothing further for the committee to consider at this time, the committee adjourns.

The committee is now adjourned.

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