

War

The whole world is coming.
 A Nation is coming,
 A Nation is coming.
 The Eagle has brought the message to the Nation . . .
 Over the whole earth they are coming.
 The Buffalo are coming,
 The Buffalo are coming.

—“Maka Sitomaniya Olowan,”
 Lakota Ghost Dance Song, 1890¹

The history of the United States is a history of settler colonialism—the specific form of colonialism whereby an imperial power seizes Native territory, eliminates the original people by force, and resettles the land with a foreign, invading population. Unlike other forms of colonialism in which the colonizers rule from afar and sometimes leave, settler colonialism attempts to permanently and completely replace Natives with a settler population. The process is never complete, and the colonial state’s methods for gaining access to new territories change over time, evolving from a program of outright extermination to one of making Indigenous peoples “racial minorities” and “domestic dependent nations” within their own lands, and of sacrificing Indigenous lands for resource extraction. But even if elimination strategies evolve to appear more humane or ethical, “the question of genocide,” writes anthropologist Patrick Wolfe, “is never far from discussions of settler colonialism.”²

Indigenous elimination, in all its orientations, is *the* organizing principle of settler society. Unlike the European

Holocaust, which had a beginning and an end, and targeted humans alone, Indigenous elimination, as a practice and formal policy, continues today, entailing the wholesale destruction of nonhuman relations. Today's state violence and surveillance against Water Protectors is a continuation of the Indian Wars of the nineteenth century. It is no coincidence that the law enforcement agency that led the siege against the #NoDAPL camps in order to protect DAPL construction, the Morton County Sheriff's Department, inherited the legacy of the infamous Indian fighter and Seventh Cavalry general George Armstrong Custer. Present-day Mandan, North Dakota, a white-dominated border town to Standing Rock and the county seat of Morton County, is seven miles north of Fort Abraham Lincoln, where Custer was stationed to secure the passage of the Northern Pacific Railroad across the Missouri River and through Oceti Sakowin territory.

Bloody wars of conquest defined the period following the United States' assertion of control over the river trade, lasting for nearly half of the nineteenth century. Its goal was to control the river, and then the entire Missouri River basin (especially the fertile buffalo hunting grounds in the western Powder River country). Following the Civil War, the Oceti Sakowin's relationship with the Missouri River was increasingly defined by avoidance, because the river had since been enflamed by invasion: violence, death, and disease. The escalation of the river trade brought unwanted changes, such as an increased US presence through the construction of military and trade forts, and an intensifying assault on rapidly thinning buffalo herds.

Initially, Indigenous subsistence hunting, gathering, and agriculture had provided the means to effectively resist settler encroachment. But by separating Indigenous producers from the land and attempting to make them dependent on treaty annuities or cash economies, the colonizers waged total war on Indigenous life. The Oceti Sakowin were not the first to

confront US total war. Haudenosaunees, for instance, call every US commander in chief "town destroyer"—a title bestowed on the first US president, George Washington, who ordered a bloody, punitive campaign that burned forty Haudenosaunee towns in New York during the Revolutionary War. Haudenosaunee cornfields were also burned to thwart the reclamation of the land and impose starvation. To consummate possession by mixing blood and soil, the troops responsible for razing the Haudenosaunee towns were afterward rewarded with title to Indigenous lands.³

In a very real sense, the founding of the United States was a declaration of war against Indigenous peoples. But to formally declare war would have been to acknowledge Indigenous peoples' status among the "civilized" or "Christian" nations. On the other hand, an undeclared war was a "savage war," in which the rules of "civilized war" were suspended. US army historian Andrew Birtle reports that the military academy at West Point studies US Indian Wars only in its course on the law, and in "the same manner as it did the treatment of guerrillas and actively hostile civilian populations in civilized warfare." The implication was "that soldiers were free to employ the harshest measures necessary to subdue them."⁴

In other words, the US Indian Wars developed the tactics and strategies that would inform US counterinsurgency operations abroad. As Chickasaw scholar Jodi Byrd argues, "the United States propagates empire not through frontiers but through the production of a paradigmatic Indianness."⁵ As the US military became professionalized following the Civil War, these lessons were passed down informally, though most never became written doctrine. And as anthropologist Laleh Khalili argues, they "became the necessary, if unwritten, manual for subsequent overseas asymmetric warfare, in the Philippines, the Caribbean, and Latin America."⁶ These included techniques like the use of native scouts, the establishment of reservations

to control and monitor native fighters and civilians, and attacks on villages to undermine native economies.

But because Indigenous peoples are not seen as full sovereigns under US or international law, Indigenous resistance to colonialism—even if for self-defense—is considered criminal, much as it was in places throughout the Americas, Africa, and more recently in Palestine.⁷ Libraries have been filled with volumes written by armchair historians, colonial apologists, and scholars of all stripes—too many to name here—on Northern Plains Indigenous warfare. Very few researchers, however, have actually questioned the premises of waging just wars on the part of Indigenous nations *against US empire*. A question that many historians have entertained—did the Oceti Sakowin have a right to defend itself with armed force?—is not posed here. The simple truth is that Indigenous nations, like all nations, possess the right to defend themselves, and how a people choose to defend themselves cannot be placed neatly into categories of “right” and “wrong.” Survival by any means necessary is an act of resistance.

It was through war and self-defense that the Oceti Sakowin made their most historic agreements with the United States: the 1851 and 1868 treaties of peace. In 1849 Congress transferred the Bureau of Indian Affairs from the Department of War to the Department of Interior, a newly created federal bureaucracy dedicated to the management of wildlife, public lands, and the conservation of natural resources. Indian affairs have remained there ever since. The shift marked a new direction in Indian policy that emphasized “peace” while explicitly promoting the “civilizing mission.” “Peace and friendship” treaties had already placed the various divisions of the Oceti Sakowin exclusively “under the protection of the United States of America, and of no other nation, power, or sovereign” (in 1805, 1815 and 1825), but they never ceded large amounts of territory or drastically diminished Oceti Sakowin political authority.⁸

The Oceti Sakowin possessed significant military and political power, so it is unlikely this Indigenous nation viewed treaties with the United States as acquiescing to a superior sovereign power. This began to change after decades of the fur trade and diseases exacted their toll on the Northern Plains ecology and Indigenous nations. By the time of the peace policy, thousands of Lakotas had already withdrawn west of the Missouri into the Powder River country to avoid the unfolding apocalypse brought on by the river trade. In the east traders had swindled the Dakotas out of land and treaty annuities, reducing them to starvation and creating the conditions for an Indigenous uprising. In some areas, the once-numerous buffalo nations that blackened the Missouri River valley had been all but wiped out, and elsewhere they had been totally exterminated. Infectious disease—cholera, measles, and smallpox outbreaks—arrived with the white invasion of the West, which swept through Pawnee, Crow, Cheyenne, Lakota, and Arapaho hunting grounds and into Oregon Territory.

In 1847 Brigham Young led an exodus of tens of thousands of Mormons to settle Indigenous lands in Utah, while the discovery of gold in California in 1849 and later in Montana in 1853 added to the westward white flood. In 1846 a group of Sicangu and Oglalas in Powder River country demanded payment for the damages that the increased overland travel had inflicted on the land: the depletion of game, the clearing of scarce timber, and the spreading of disease.⁹ They got escalated military occupation instead. The US military found it impossible to control the waves of white settlers and mounting Indigenous indignation. The year the peace policy was declared, the United States established a fort at the confluence of the North Platte and Laramie rivers to address the problem. Fort Laramie thus became the site for them to pursue “peace” by means of increased military occupation in Powder River country. Strategically positioned at the point where the

overland trail trespassed through the territory of the last remaining large buffalo herds, the fort was a symbol of increasing US presence and authority.

The vision for the military outpost came from the Upper Platte Indian agent Thomas Fitzpatrick, a leading advocate of peace by military occupation.¹⁰ As part of his vision for peace, Fitzpatrick hoped to advance US interests by securing a wide-ranging inter-Indigenous peace treaty to definitively establish Indigenous territory, guarantee safe passage for overland travelers, and secure land cessions. The Plains nations called a mass council. For three weeks in September 1851, tens of thousands from the Arikara, Mandan, Hidatsa, Crow, Gros Ventre, Blackfeet, Assiniboine, Shoshone, Arapaho, Cheyenne, Lakota, and Dakota nations met with US treaty commissioners at Horse Creek, thirty-six miles downriver of Fort Laramie. The first Fort Laramie Treaty of 1851 was signed by all parties, ensuring the right of the United States to build wagon roads and railroads, and payment of \$50,000 for fifty years for damages caused by the overland emigrations.¹¹ Perhaps demonstrating the commitment of the United States to this “peace” policy, the Senate limited the period of treaty annuities to ten years, with the possibility of a five-year renewal. The amendment was sent back to the Plains nations for approval, and then back to the Senate, where it was never ratified. Regardless, the United States paid the \$50,000 in annuities for the next fifteen years.¹² The spirit of peace, however, was short-lived and the treaty was deeply flawed.

Six headmen of the Oceti Sakowin signed the treaty, presumably with the understanding that the emigrant depredations would cease and that the United States would live up to its commitments. The Oceti Sakowin representatives, however, protested over having to select a single “head chief” to represent all the nations in the treaty negotiations because it contradicted the decentralized political structure more familiar to them, which allowed each division to select its own

representatives. This configuration offended the autonomy previously possessed by each political division. Mato Wayuhi (Conquering Bear), a Sicangu, was arbitrarily chosen by the Oceti Sakowin councils as a representative of the 1851 Fort Laramie Treaty, but he protested his appointment because of his own young age—he was fifty years old, not yet an elder—and lack of experience.¹³ The selection of “treaty chiefs” to represent entire Indigenous nations was an age-old settler tactic to exert influence and concentrate leadership, while cleaving political factions. Most Indigenous leaders were more committed to diplomacy than to armed resistance, though the two strategies sometimes worked in tandem. Some wanted to give up the Powder River country and remove to reservations to start a new life. “The hostiles,” as the Indian agents called them, wished to end treaty making altogether and keep their lands free of reservations and restrictions. Although the two divisions both agreed with the premises of the 1851 Treaty, the western divisions demanded that the reservation groups cease accepting annuities and remove themselves from the negative influence of the trading forts, where the annuities were distributed.¹⁴

In 1853 Fitzpatrick criticized the outcome of the 1851 Treaty, calling it a temporary fix to coming war. “Either an inducement must be offered to them greater than the gains of plunder, or a force must be at hand able to restrain them and check their depredations. Any compromise between the systems will only be liable to all the miseries of failure,” he argued.¹⁵ Neither was agreeable to the Oceti Sakowin. Annuities meant submission and land cessions, while an increased military presence meant violence. To the Oceti Sakowin, treaty making became more and more a zero-sum game, in which all roads led to diminishing independence and increasing relations with the United States.

Three years after the treaty signing, in August, a lame calf belonging to an emigrant Mormon wandered into a camp of

near-starving Sicangus. Believing the calf was abandoned, it was killed, butchered, and almost immediately consumed. The Mormon owner called for retribution, and John L. Grattan, a young West Point graduate stationed at the nearby Fort Laramie, answered. Although Indigenous peoples at first allowed the overland emigrants to travel through and hunt freely within their territories, under US law the killing or theft of a domestic animal, such as a lame calf, was considered a property crime. Private property held more sanctity than the Indigenous treaties or lives. Grattan descended on the camp, demanding that Conquering Bear relinquish the guilty party. As the "treaty chief" of the 1851 Treaty that was committed to maintaining peace, Conquering Bear offered restitution to the Mormon and pled for a peaceful resolution. Grattan's men responded by shooting Conquering Bear. The Sicangus descended on Grattan and his soldiers, killing him and all twenty-eight of his men. Six days later, Conquering Bear died, and with him the spirit of the 1851 peace treaty. The Sicangus, quick to seek revenge, robbed a mail coach near Fort Laramie, making off with a large amount of money and killing three white men.¹⁶

Tensions remained high. While treaty annuities continued to arrive on time, white traders preyed on the Lakotas and Dakotas collecting their annuities at Missouri River trading posts. In the winter of 1853 to 1854, Sihasapas and Hunkpapas refused treaty annuities and began to wage war on white traders. Traders (and even contemporary historians) have mistakenly called treaty annuities "gifts." Annuities were not gifts, but contractual treaty obligations. Although their intended purpose was to guarantee peace, they were often withheld to pay trade "debts" or used to coerce "hostile" groups into submitting to a trader's will. White traders were welcomed for their seemingly endless supply of highly prized commodities such as guns and cloth, for which the Oceti Sakowin called them "Wasichun," or "people who possess a

mysterious power." Now, it was clear that this power also brought evil, earning them a second name, which played on the first: "Wasicu"—the "fat taker," the settler, the colonizer, the capitalist. To be called "Wasicu" was the highest insult. It meant that a person behaved selfishly, individualistically, with no accountability, as if they had no relatives. Such behavior was normally punished by alienation or banishment. "Wasicu" became synonymous with the United States, a nation that behaved as if it had no relatives.¹⁷

For this reason, Little Bear, a leader of the Hunkpapa, waged a bitter campaign against the white traders on the Upper Missouri. According to American Fur Company employee Edwin Thompson Denig, in 1853 when the fur company attempted to construct a trade fort in Hunkpapa territory without their consent, Little Bear's akicitas (soldiers) "cut up the carts, killed the horses, and flogged the traders and sent them home." Little Bear first earned his status as a leader when he killed a despised white trader from the American Fur Company in the trader's own home, for which Denig assumed he sought the "destruction of all traders in the country." According to Denig, the Sihasapas and Hunkpapas under Little Bear's command

cut off every white man they meet and pillage or destroy all property outside the forts at the Yellowstone. They declare war to the knife with the Government of the United States and all whites in the country, threaten to burn up the forts, make no buffalo robes except what they want for their own use and wish to return to their primitive mode of life.¹⁸

Some Missouri River Lakotas and Dakotas revolted against the fur trade and the profit motive by eschewing alcohol, boycotting the fur and river trade, and actively sabotaging the trading forts—the primary source of their affliction. These efforts, along with the return to subsistence buffalo hunting,

allowed Indigenous nations to resist the encroachment of capitalism.

Later that year Indian agent Alfred J. Vaughn traveled the Missouri River, meeting with various divisions of the Oceti Sakowin to distribute annuities and gather reports on the recent hostilities against traders. When he arrived at the Sihasapas and Hunkpapas' camp, they firmly refused Vaughn's annuities. And in an encounter with the Ihanktonwannas, the headman, Red Leaf, cut open all the bags of the Indian agent's provisions, scattering the contents across the prairie. The akicitas then threw the remaining gunpowder keg in the river, shooting it until it exploded.¹⁹ The more militant divisions among the Oceti Sakowin resented what the trading posts and the treaty annuities symbolized: nonconsensual occupation and an attack on the land. The frequency of these acts of resistance should put to rest any claims that the Oceti Sakowin had become helplessly dependent and devastatingly transformed by the fur trade, thus leading to their inevitable defeat and collapse. However, this strident refusal depended upon maintaining access to a crucial resource: the buffalo herds. Like a good relative, the Pte Oyate initially provided the means to confront invasion; however, this dependency would soon be exploited as a weakness when the military targeted the buffalo nations for extermination. An attack on the land and the buffalo was an attack on Indigenous subsistence practices and the ability to resist encroachment.

The military and traders were quick to claim victimhood following Grattan's defeat and the war on the Missouri River trade.²⁰ In response the War Department sent 600 soldiers under the command of General William S. Harney up the Platte River. On September 5, 1855, Harney engaged 250 Sicangus camped at Blue Water Creek. The leaders, Tukiha Maza (Iron Shell), and Wakinyan Cikala (Little Thunder), asked for peace, telling Harney their camp was peaceful and mostly made up of women and children. Harney ordered his

men to raze the camp, killing eighty-six—half of them women and children. They took another seventy women and children as prisoners, holding them at Fort Laramie. According to one account, the soldiers seized an infant from her wounded mother and used the child as target practice.²¹ At Fort Laramie, the officers raped the Sicangu women, who, according to the testimony of Susan Bettelyoun Bordeaux, “became the property of their captors.” In a letter accompanying Bordeaux's testimony, Hunkpapa historian Josephine Waggoner writes, “There were many war babies born after Harney left Laramie.”²² That day Harney earned his Lakota name—“Woman Killer.”²³

Woman Killer intended to terrorize the Lakotas into submission, but this had the opposite effect. A young man, who would later earn the name “Tasunka Witko” (Crazy Horse), returned from a hunting trip to find his relatives' mutilated bodies scattered across the prairie. That day Crazy Horse committed his life to fighting the Woman Killer's nation. Crazy Horse's uncle Sinte Gleska (Spotted Tail) had attempted to stop the massacre. Although unarmed and surrounded by soldiers, Spotted Tail grabbed a soldier's knife and killed ten of Woman Killer's men before being taken down, wounded but not killed, by two bullets.²⁴ Crazy Horse and Spotted Tail came to represent two traditions of Indigenous resistance; one would follow a path of armed struggle, the other the path of diplomacy. Despite these divergences, the two remained good relatives to each other in the trying years to come, a testament to the strong bonds of kinship that held the nation together as their world was taken from them. While Crazy Horse and Spotted Tail were accomplished warriors and leaders, their highest virtue was their commitment to the defense of their human and nonhuman relations. The events of that day forever shaped their resolve for self-defense and survival; this did not always mean picking up the gun, but sometimes it did. At that moment, however, for both Crazy Horse and Spotted

Tail, preserving a grounded authority in the land was the theory, and the gun was the practice. Both were necessary for the survival of human and nonhuman relations. It was from settler colonialism's nightmarish scenario of fight, flight, or accommodate that Indigenous heroes were made and immortalized—some known, and many more unknown. Heroes of Indigenous resistance didn't just make history. History made them.

While in the west the Lakotas confronted the punitive campaigns of the US peace policy, in the east the Dakotas faced increased settler encroachment. White settlements depleted nearly all the game, and the treaty annuities were meager and slow to arrive—when they arrived at all. Starvation set in. To make matters worse, Minnesota Territory organized in 1849 and began its path toward statehood, which meant the expulsion of Indigenous peoples. In 1857 Inkpaduta, a Wahpekute leader, led a retaliatory campaign against white settlers at Spirit Lake and Springfield after settlers wantonly murdered his brother and forcefully exiled the Wahpekutes from their homelands in 1856. In total the Wahpekutes killed twenty-eight settlers and sustained minimal casualties. Inkpaduta, whose body was badly scarred from the 1837 smallpox scourge, which he survived as a child, became a veteran of many major engagements with the US military and died in exile Canada in the 1880s. His attacks on settlements earned him the reputation as a frontier bogeyman. He was so hated and feared by whites that his name was never translated into English unlike his more celebrated and well-known contemporaries.²⁵ Nevertheless, Inkpaduta's legacy is now widely revered for his evasion of capture and death, refusal to surrender, and rejection of reservation life.

The Wahpekute's attacks were also partly in response to the Treaty of Traverse des Sioux and the Treaty of Mendota. Together these treaties, signed in 1851 by all four Dakota nations, ceded all Dakota land claims except for a narrow

twenty-mile strip. There is no doubt that the Dakota leaders were coerced into making such disastrous concessions. To force signatures, treaty commissioners threatened military force and the withholding of rations. White traders got first access to any treaty moneys, which they used to pay outstanding debts allegedly accrued by the Dakotas. When the treaties went through the Senate for approval, amendments were attached that left the Dakotas without any legal title to the land, essentially making them homeless or trespassers in their own homelands.²⁶

In August 1862, when Taoyateduta (He Loves His Red Nation), also known as Kangi Cistinna (Little Crow), and his warriors began to expel white settlers from their Dakota homelands, most of the Dakota communities were starving, horseless, unarmed, and living on reservations. With the outbreak of the Civil War, treaty annuities arrived late or not at all—and were sometimes intentionally withheld by traders. Andrew Myrick, a notorious white trader responsible for distributing treaty annuities and rations at the Lower Sioux Agency, put it bluntly: "So far as I'm concerned, if they are hungry, let them eat grass or dung." The Dakotas, facing the real possibility of starving to death, came to the Lower Agency, and, some stories say, killed Myrick while he was running away; according to these accounts, his body was found with grass stuffed in his mouth.²⁷ The criminal acts of the traders and agency officials had led to the uprising. But the United States' theft, mass killing, starvation, and punishment of all Dakotas remained "lawful."

The Dakotas waged deadly battles, killing more than 800 white settlers, traders, and soldiers. By late September most Dakotas had surrendered, ending the brief thirty-seven-day war. The captured Dakotas were not treated as prisoners of war but instead faced a military tribunal created by Henry Sibley, Minnesota's first governor, and colonel of the state militia. Military officers who had just fought Dakotas were

appointed to oversee the trials. By November the military tribunal tried 392 Dakotas for “murder and outrages,” convicting 323 of them, 303 of whom they condemned to death. More than 2,000 Dakotas were also imprisoned at Fort Snelling in a large concentration camp, where many died. Whether or not they participated in the war mattered little; all Dakotas became targets for collective punishment. President Lincoln, though he commuted most of the Dakota death sentences, maintained an iron fist to crush Indigenous resistance—one he wielded not only against the Dakotas, but others too. In 1864 in the Southwest, a similar policy of collective punishment and removal targeted Navajo and Apache resistance, resulting in the Hwéeldi, or the Long Walk. The removal, forced march, and imprisonment at Bosque Redondo in New Mexico killed more than 2,000 Navajos.²⁸

On December 26, 1862, a week before signing the Emancipation Proclamation, Lincoln ordered the hanging of the thirty-eight Dakota men at Maka To (or “Blue Earth”—present-day Mankato, Minnesota) as retribution for the 1862 US–Dakota War. The execution of the Dakota thirty-eight remains the largest mass execution in US history. Minnesota Governor Alexander Ramsey, who helped negotiate the 1851 Treaty with the Dakotás, then ordered the extermination or complete banishment of remaining Dakotas from the state. Settlers were encouraged and rewarded to take their own revenge with government-issued \$25 scalp bounties, which later increased to \$200. When the Civil War came to an end, very few confederate officials and soldiers were sent to prison, and only one was hanged for war crimes. After surrender, many confederates went back to holding public office. General Sibley ordered that the Dakotas were to be treated as criminals, and not as prisoners of war.²⁹ The aftermath of the war to maintain slavery, which cost half a million lives, was profoundly different from the aftermath of the Dakota uprising—and rarely are the two stories told side by side.

In punishment for his part in the uprising, in 1863 Minnesotan settlers murdered Little Crow, collecting \$500 for his scalp and decapitated head. Little Crow’s scalp, severed head, and the rest of his body were collected and put on public display by the Minnesota Historical Society until 1915, a grim trophy to remind settlers exactly how they “won” the land. Little Crow’s remains were only returned to his family in 1971. Nearly a thousand Dakotas fled to Canada, and 2,500 remained at large, fleeing into Dakota Territory to join their relatives on the Missouri River. In 1863 in Minnesota, General John Pope organized “columns of vengeance” to punish and capture fugitive Dakotas.³⁰ Instead of recognizing their own criminality for outright land theft and state-imposed starvation, they would force Dakotas to pay with their lives. Facing scalp bounties and the harsh imprisonment of their relatives, surrender usually meant death and was simply not an option. To survive—to resist—meant to flee.

Pope sent two columns, led by brigadier generals Henry Sibley and Alfred Sully, to halt the fleeing Dakotas from crossing the Missouri River and joining their western relatives. The campaign had three goals: crush the fleeing Dakotas, secure the Missouri River for steamboat travel, and eliminate remaining Indigenous opposition to the settlement of eastern Dakota Territory. By 1863, overland travel on the Oregon Trail had greatly subsided. But the 1862 Montana gold rush drew throngs of miners and settlers who traveled overland on the Bozeman Trail, which cut through 1851 Treaty territory and up the Missouri River via steamship. Sibley’s mounted cavalry headed south, then traveled north up the eastern shoreline of the Missouri, encountering little opposition. Sully commanded more than 2,000 soldiers, and the skirmishes they engaged in were minor and inflicted minimal casualties—all except for one.

On September 3, 1863, Sibley’s men attacked 4,000 peaceful Dakotas and Lakotas in a summer camp after a buffalo

hunt at Inyan Ska (Whitestone Hill). Standing Rock historian and Sacred Stone Camp founder LaDonna Bravebull Allard recounts the events of that day through the oral history of her ancestor Mary Big Moccasin:

It was a time of celebration and ceremony—a time to pray for the coming year, meet relatives, arrange marriages, and make plans for winter camps. Many refugees from the 1862 uprising in Minnesota, mostly women and children, had been taken in as family. Mary's father, Oyate Tawa, was one of the 38 Dah'kotah hanged in Mankato, Minnesota, less than a year earlier, in the largest mass execution in the country's history . . . As my great-great-grandmother Mary Big Moccasin told the story, the attack came the day after the big hunt, when spirits were high. The sun was setting and everyone was sharing an evening meal when Sully's soldiers surrounded the camp on Whitestone Hill. In the chaos that ensued, people tied their children to their horses and dogs and fled. Mary was 9 years old. As she ran, she was shot in the hip and went down. She laid there until morning, when a soldier found her. As he loaded her into the wagon, she heard her relatives moaning and crying on the battlefield. She was taken to a prisoner of war camp in Crow Creek where she stayed until her release in 1870.³¹

The dogs returned to camp with babies still tied to them, where they were shot by the soldiers. In all, the soldiers slaughtered more than 400 Lakotas and Dakotas, most of them women and children. They destroyed half a million pounds of dried buffalo meat and razed more than 300 lodges. Thirty-two men and 124 women were taken prisoner and transported to Fort Pierre to be shipped to Crow Creek, where the remaining survivors of the US–Dakota War were held.³²

The massacre had a profound psychological impact on the Dakotas and Lakotas. The scorched-earth campaign against

the Dakotas and the “columns of vengeance” were intended to deter a military alliance among the Oceti Sakowin; and indeed, the tactic may have worked on some. On the other hand, it also encouraged many to risk everything to repel the invaders. The success of armed resistance, in fact, would be measured not in the annihilation of the United States as an enemy nation, but in the resilience of the political alliances that formed.

Immediately following the punitive campaigns waged against the Dakotas, in November 1863 Colonel John M. Chivington and his soldiers massacred more than 200 peaceful Cheyennes at Sand Creek in Colorado Territory, taking scalps and severed genitals as souvenirs. Enraged at the growing brutality, the Cheyennes, Lakotas, Arapahos, and some Dakotas formed a political alliance under the leadership of Mahpiya Luta (Red Cloud). Believing the United States had violated the spirit of the 1851 Fort Laramie Treaty with the construction of the Bozeman Trail, the historic alliance vowed to expel them from the buffalo hunting grounds.³³ The alliance successfully defeated the US military in hit-and-run battles from 1866 to 1868. In December 1866, most famously, Crazy Horse, a rising military leader, drew one hundred soldiers under the command of Colonel William J. Fetterman from Fort Kearney into a trap, killing Fetterman and all his men. The fort had been established along the Bozeman Trail to protect white miners heading to the Montana goldmines.³⁴ Facing an undefeatable, highly mobile guerrilla force, in 1868 the United States once again sought peace.

In the summer of 1868, a mass council was called at Mato Paha (Bear Butte) to discuss a treaty of peace, and Red Cloud was selected to lead any negotiations with the United States. Since 1857 most of the Oceti Sakowin had been gathering annually at Mato Paha, at the northeast fringes of the Black Hills, to discuss the peace treaties and mounting resistance. Some historians and scholars have challenged the idea that the “Sioux Nation,” or the Oceti Sakowin, ever existed, or that

such gatherings took place in the Black Hills prior to US invasion. What is known is that all seven political divisions met at these annual summer councils, and that all were represented in the most famous battles. But it is true the Oceti Sakowin had not gathered in quite this way since 1857, when they were joined by allied nations such as the Arapaho and Cheyenne in considering “taking the fight to the *wasicu*” (in other words, to US imperialism)—by marching all the way down to Saint Louis and wiping out every white settlement—as Sicangu historian Edward Valandra has asserted.³⁵

Previously, the Oceti Sakowin more often gathered at Mato Paha for peace, including for the Wiwang Wacipi, the sun dance. The Oceti Sakowin war councils, however, have drawn more scrutiny and attention than the ceremonial celebrations of life.³⁶ In fact, most political divisions chose to avoid armed resistance altogether and, as the buffalo became scarce, slowly began to accustom themselves to living near the agencies. Soldiers and fellow Indigenous peoples pejoratively termed these people “loafer bands” for hanging around the forts.³⁷ Others who were willing to break policy and sell land, which they were not authorized to do, were called Maka Utacipi, or “earth eaters.”³⁸ Many Oceti Sakowin disapproved of these individuals’ behavior, but they were still considered relatives, though pitied for “eating” the land for the annuities and food rations they received for selling it. Political custom dictated that families and larger political divisions were allowed to disagree with or decline to follow a course of action set out by others. If the disagreement was serious, individuals or entire nations were allowed to leave. Just as easily as they could leave, they could also rejoin their relatives. Force or coercion never compelled others to action, or to stay.³⁹ But when the entire Oceti Sakowin was confined to the reservation, this harmony was disturbed because differing factions could not depart each other’s company. In other instances, “agency chiefs” were

selected to represent an entire Indigenous nation, breaking down internal democratic processes. Whatever these competing views, the war on the Bozeman Trail drew the United States to the negotiation table once again.

By 1865, the 1851 Treaty had expired with little consequence, having failed to bring about the peace it promised. Another costly military campaign in the Northern Plains was not an option. Most of the US military was stationed in the South to oversee Reconstruction, following the conclusion of the Civil War. As an effort to make freed Blacks into citizens, W. E. B. Du Bois called Reconstruction “a splendid failure”—one that offered only a temporary vision of a free society, because absolute equality demanded too much of a departure from the white supremacist status quo.⁴⁰ The same could also be said of its contemporaneous US–Indigenous treaties. Allowing Indigenous peoples to live in peace and respecting their political autonomy proved too much to ask of a settler state. So why did it make Indigenous treaties in the first place?

Treaties are the central agreements among sovereigns and the primary instruments of international relations. After all, a sovereign nation does not enter into international relations with internal or domestic peoples. But despite the 1831 Supreme Court decision that found Indigenous nations to be “domestic dependent nations,” the United States entered into international relations with the Oceti Sakowin.⁴¹ This is the fundamental paradox of federal Indian law: it takes international agreements and attempts to determine their validity in the realm of domestic federal law—that is, in the courts of the colonizers.

Patrick Wolfe argues that “domestic dependent nations” was less a legal redefinition than a “manifesto” for settler colonialism.⁴² The intention behind the treaties was not to recognize the inherent political sovereignty or self-determining authority of Indigenous nations, but to facilitate

land cessions and eventual incorporation. Justifying what would otherwise be a criminal act—invasion—the treaties were really an instrument for affirming US design over all lands, and especially lands that could not be taken by force. And to carry out the land cessions, the US government needed settlers to hold private property in perpetuity. Private ownership (or “fee simple”) is seen, under US law, as the highest possible form of ownership, while Indigenous occupancy is seen as temporary; thus, collective Indigenous ownership and use could be dissolved for private ownership, but not the other way around. But because private property is exclusive, the two systems of land tenure fundamentally could not overlap. The confinement and removal of Indigenous peoples to reservations was racial segregation, and Indigenous peoples were the original “Red Scare.”

It was from this belief of political superiority that the United States sued the Očeti Sakowin for peace. As a token of good will, the United States abandoned several forts along the Bozeman Trail, and Red Cloud and his followers set fire to the deserted buildings. The forts on the Missouri River, however, remained untouched and became the new bases of operations for corralling the Očeti Sakowin closer to the influence of the United States, and away from the Powder River country which more and more represented freedom.⁴³ The 1868 Fort Laramie Treaty established a 32-million-acre “permanent reservation,” which encompassed the entirety of the present-day West River region of South Dakota. To appease those who refused agency life, a vast expanse of hunting grounds was set aside at nearly the same acreage of the permanent reservation, making the total territory more than 70 million acres, or about the size of the present-day state of Nevada. Article 11 of the treaty, however, stipulated that the Lakotas surrendered “all right to occupy permanently the territory outside their reservation as herein defined,” but retained the right to hunt in the Powder River country “so long as the buffalo may range thereon in

such numbers to justify the chase.”⁴⁴ General William Tecumseh Sherman, a member of the peace commission, at first opposed this provision, fearing that sustained resistance through buffalo hunting over a vast region would make it impossible to reign in the militant divisions. Fellow peace commissioners, however, assured him the treaty’s clause was “merely temporary” because once the buffalo were vanquished so too would the millions of acres of hunting territory.⁴⁵

In 1903 Red Cloud recalled what Lakotas said to treaty commissioners regarding the hunting lands: “We told them that the country of the buffalo was the country of the Lakotas. We told them that the buffalo must have their country and the Lakotas must have their buffalo.”⁴⁶ The Lakotas didn’t believe the United States had the authority to simply “give” them back land that already rightfully belonged to them and their buffalo kin. Red Cloud made clear that the 1868 Treaty was not just an agreement between two human nations, but also an agreement among the nonhuman ones as well—including the buffalo nations. His interpretation, that Lakota territory began and ended with the buffalo nations’ territory, was not a “mystical” reading, but a simple fact of Lakota life—and, at the time, a fact linked to pure survival.

For example, the most significant figure in Očeti Sakowin history descended from the Pte Oyate. It was a woman, Pte Ska Win (the White Calf Buffalo Woman), who made the first treaty with the human and nonhuman worlds. To be a good relative is to honor that original instruction. Lakotas often viewed treaties with the United States and other nations as commitments not just to human relations, but also to nonhuman ones. And such agreements were not the sole domain of men, as was the tradition of white society. Most important, *pte* means “female buffalo,” and the Pte Oyate was alternatively known as “her nation.”⁴⁷ When Red Cloud spoke of the Pte Oyate, he spoke of their true leaders—of the women, not the bulls (men), and of the original covenant with the

White Buffalo Calf Woman. The future of the Oceti Sakowin was bound to the future of the Pte Oyate.

For its part, the military began to take seriously this vital connection with the buffalo as sustaining continued Indigenous resistance. The frontier army's operations turned toward exterminating Oceti Sakowin kin—the Pte Oyate—as defeating highly mobile Plains nations in conventional battles was near impossible. From 1865 to 1883, the frontier army sanctioned the mass slaughter of buffalo to shatter the will to resist by eliminating a primary food supply and a close relative. Russia's Grand Duke Alexie Alexandrovich even joined a buffalo hunt in 1872 near Denver with the frontier army, under the command of Lieutenant Colonel George Armstrong Custer and General Philip Sheridan. As they descended upon a herd, the hunters and soldiers acted as if the buffalo slaughter was also a massacre of Indigenous peoples, with a guide, Chalkley M. Beeson, recounting that they even called the buffalo "redskins."⁴⁸

The extermination of the buffalo was incredibly effective and efficient. In two decades, soldiers and hunters had eradicated the remaining 10 to 15 million buffalo, leaving only several hundred survivors. The "Indian problem" was also a "buffalo problem," and both faced similar extermination processes, as much connected in death as they were in life. The destruction of one required the destruction of the other. The treaty clause "so long as the buffalo may range" was effectively a warrant to kill millions of buffalo, which translated literally into the killing of Indians and the seizure of millions of acres of 1868 Treaty territory—a direct attack on Indigenous sovereignty.

Another contentious aspect of the 1868 Treaty was the granting of the right to construct railroads through Oceti Sakowin territory. By the time the Northern Pacific Railroad began building its line through the Yellowstone Valley connecting Duluth, Minnesota, to the Puget Sound, Red

Cloud, Spotted Tail, and their followers had accepted the terms of the peace treaty. Most took it to mean that if they refrained from attacking the railroads, stage coaches, and overland emigrants, they would in turn be free from the threat of attack if they stayed within the reservation boundaries. The hunting grounds remained open, and so they thought that they could go on living as they always had, with little change. But railroads threatened that precarious peace and the provisional space of the hunting grounds that came with it. They provoked another fight and hardened the resolve of the remaining militants to stay off the reservations. Tatanka Iyotake (Sitting Bull), a powerful political leader of the Hunkpapas, refused the conditions of peace specifically over the question of rail lines and began making war on the railroad surveyors as they trespassed into Yellowstone territory. The military sent two expeditions of thousands of men in 1871 and 1873 to secure the passage of railroad engineers. But Sitting Bull and his followers halted construction of the Northern Pacific across the Missouri River at Bismarck, and the 1873 economic crisis further imperiled the Northern Pacific's progress westward. Nevertheless, the military now had a sizeable standing army at Fort Rice downriver, under the command of Custer, a less well-known veteran officer of the Civil War who history would only remember because he was killed by the Lakota, Cheyenne, and Arapaho alliance in 1876 at the Battle of Greasy Grass (Battle of the Little Bighorn). Custer and his men were stationed at the northern border of the "Great Sioux Reservation" to prevent the Hunkpapas and Sihasapas from leaving the reservation, waging war on the railroad surveys, and joining their off-reservation relatives in the west.⁴⁹

Soon, those living off the reservation were considered outlaws, renegades, hostiles, and criminals to be hunted down, summarily shot, hanged, or imprisoned. Those on the

reservation were considered “peaceful,” and as “friendlies” who were not to be disturbed. Either way, soldiers and settlers could hardly distinguish between the two; when it came to collective punishment, all were at fault.

Since 1865, transcontinental railroads began lurching from east to west. With the Panic of 1873, US capitalists and politicians sought a new form of currency and a new national project that would pull the country out of recession. Relief would come in the form of gold, more railroads, and continuous westward expansion—in other words, through the acquisition of more Indigenous land, and more Indian Wars. The discovery of gold in the Black Hills in 1874 triggered a massive push to quickly end the Indian problem on the Northern Plains. From the military’s perspective, reformers had failed to secure peace with the 1868 Treaty. Prior military campaigns in the West and the South were also coming to a close. The wars of conquests against the Apaches, Arapahos, Cheyennes, Comanches, Kiowas, and Modocs from 1869 to 1873 had largely ended. Meanwhile, in the South, Radical Reconstruction had lost political backing from a growing conservatism in the North, and as the United States began withdrawing federal troops, freed Blacks were left to fend for themselves against the white Southern elites who sought to violently recapture political and economic power. Facing the squeeze of economic recession, labor in the industrial east also began agitating. As historian Richard Slotkin argues, depictions of Black lawlessness in the South, relentless Indigenous criminality in the West, and growing labor militancy in the east provided the moral justification for the seizure of the Black Hills as a way to prioritize national economic development.⁵⁰ To contain the “threat” on its western frontier, in an 1871 Indian appropriations bill the United States abolished treaty making with Indigenous nations (although the treaties themselves were never abolished). Meanwhile, the nationalistic military campaign to seize the Black Hills and continue westward

expansion was a much-needed pressure valve for anxieties of social unrest and economic uncertainty. An order to the US military went out to notify all the Lakotas and Dakotas to return to the reservation by January 31, 1876, or face military action. Because it was issued during winter, both the US military and the Oceti Sakowin largely ignored the impractical command.

By spring 1876, the majority of the Lakotas lived on reservations and were horseless, unarmed, and starving. Nevertheless, several groups had refused reservation life, and the Lakota, Cheyenne, and Arapaho alliance had evaded army capture for several years. Crazy Horse, no longer a military leader at this point, led several small groups into the Black Hills, killing numerous white miners. But the imposition of reservation borders combined with the cutting off of British-Canadian and US traders made ammunition scarce and sustained armed resistance increasingly impossible.⁵¹ General Sheridan and Brigadier General George Crook had decided to stop evicting gold miners, in hopes of making real what could only be imagined at this point: the takeover of the Black Hills, the settlement of treaty lands, and the final surrender of the Oceti Sakowin. Allowing the trespass of settlers and miners was a clear violation of the 1868 Treaty, which forbade whites from entering the permanent reservation encompassing the entirety of the Black Hills. A violation of the treaty, as an international agreement, would have meant conditions reverted to pre-treaty terms. Therefore, the Oceti Sakowin, at this point, could have suspended their obligations—such as allowing the passage of settlers, roads, or railways, or the cession of certain lands. However, instead of curbing the criminal behavior of the white trespassers and living up to their treaty obligations, the army mobilized to enforce the “peace” of the 1868 Treaty by making war against the Cheyennes, Lakotas, and Arapahos who refused to stay on the reservation.

On June 25, 1876, Custer and Brigadier General Marcus Reno led a group of 650 men against a camp of thousands of Lakotas, Cheyennes, and Arapahos. Among them were Sitting Bull, Pizi (or Gall), Inkpadata, Crazy Horse, Pretty Nose, Left Hand, Two Moons, Wooden Leg, and many more who would be remembered as among the heroic armed resisters of the Cheyennes, Arapahos, Dakotas, and Lakotas. Custer led the first assault on the large camp, which was supposed to be a surprise attack. Custer's men were quickly halted and forced to retreat uphill. Despite popular myths, Custer and his men never mounted a brave last stand but were instead taken down as they ran away from the Indigenous warrior men and warrior women. For his courage, Custer was promoted to the rank of general after his death.

Hunkpapa warrior woman Moving Robe Woman, who fought against cavalrymen, later remembered that historic day. A young woman at the time, Moving Robe Woman was harvesting tinpsila, or prairie turnips, when the cavalry stormed the camp. After hearing her brother was killed in the initial attack, she recalled, "I ran to a nearby thicket and got my black horse. I painted my face with crimson and braided my black hair. I was mourning. I was a woman, but I was not afraid."⁵² Among Plains nations, it was common for warriors to be women. In fact, according to Northern Cheyenne histories, Buffalo Calf Trail Woman is credited for knocking Custer from his horse before he was killed.⁵³ Indigenous women also knew what defeat meant—if they were not killed, their bodies would be forced over to the desires of their captors. They fought back not because they wanted to, but because they had to.

The defeat of Custer's Seventh Cavalry and the killing of 268 of his men was a major victory. But according to Moving Robe Woman, no one "staged a victory dance that night. They were mourning for their own dead."⁵⁴ About four dozen Indigenous warriors were killed during the fight. Many

popular accounts of the Battle of Greasy Grass and histories of the West over-romanticize the extreme violence and wanton slaughter of what became known as "the Great Sioux Wars." Each victory against the invaders also resulted in immeasurable casualties in later battles, and armed resistance was a calculated risk that was not undertaken carelessly. Either way, the Oceti Sakowin was in constant mourning over the theft of their lives, their world, and so many countless relatives—ancestors both present and future. Armed Indigenous resistance has always been a future-oriented and life-oriented project, and it is because of this fearless struggle that we survived and that we can remember.

After Greasy Grass, the military sought retribution. Unable to sustain long, drawn-out resistance, the Plains alliance dispersed and Sitting Bull and his followers, including Inkpadata, fled to Canada. In May 1877, Crazy Horse surrendered himself and his followers at the Red Cloud Agency near Fort Robinson in Nebraska, and he was imprisoned there by the reservation authorities. On September 5, 1877, Crazy Horse was led to Fort Robinson to be formally arrested on the charge he was planning an uprising. While attempting to flee, one of the guards stabbed Crazy Horse in the back with a bayonet, killing him. He was thirty-seven. In 1881 Sitting Bull finally surrendered himself and his followers and was taken to Fort Yates on the Missouri River at present-day Standing Rock. The battleground had shifted: Christian missionaries, boarding schools, and military discipline and punishment were the new vanguards of white civilization.

The design and development of the carceral reservation world was well under way by the time Cheyennes, Lakotas, and Arapahos made Custer and his Seventh Cavalry famous. In 1876 Indian Commissioner John Q. Smith envisioned US Indian policy as having three central goals: to concentrate remaining Indigenous peoples onto fewer reservations, to allot

remaining lands, and to expand US laws and courts' jurisdiction over reservations.⁵⁵ Although the number of reservations didn't decline, the latter two goals were achieved through the disintegration of political and social structures, and the carving up of the remaining communally held lands. The fur trade may have introduced the capitalist market, but it never made the Oceti Sakowin truly individualistic, and communal land practices and social customs still prevailed. This was the final frontier.

First came the assertion of US law. In 1881 an ongoing dispute between Spotted Tail and Kangi Sunka (Crow Dog) on the Rosebud Reservation led to Crow Dog murdering Spotted Tail, a reservation leader and "agency chief." Crow Dog made amends with Spotted Tail's surviving family, paying restitution for the slain relative according to customary law. Internal harmony was quickly and effectively restored. Nevertheless, federal and territorial officials demanded Crow Dog's arrest and prosecution. With little legal authority to do so, the case wound up at the Supreme Court, where it was ruled federal courts had no jurisdiction on reservation lands. As a result, Congress passed the 1885 Major Crimes Act, authorizing federal jurisdiction over certain crimes committed in Indian Country—including murder, larceny, rape, arson, and burglary. Congress used Crow Dog's case as an opportunity to extend plenary power—or complete or absolute power—over Indigenous nations and assert criminal jurisdiction, further eroding and defining the parameters of Indigenous sovereignty.⁵⁶

The creation of the modern-day reservation system had a significant impact on both Indigenous and settler societies. Military and trading forts grew into either white settlements or reservation agency towns. As a new spatial arrangement of apartheid, the confinement of Native people to diminishing reservation lands made it simpler for settlers to assume ownership over "unused" land. Among the most highly prized

possessions were the gold-rich Black Hills. To secure title to the land, Congress passed the 1877 Black Hills Act, which stole the Black Hills from the Oceti Sakowin and opened it to white settlement. A clause of the 1868 Treaty stipulated that any future land cessions, including the Black Hills, must "be signed by three-fourths of all the adult male" members. Its passage was thus a clear case of fraud and theft, as the United States was able to obtain only 10 percent of the needed signatures.⁵⁷

Agency towns, which were often located at military forts or near them, were established to control and surveil the movements and the behaviors of Indigenous peoples, both on and off reservation. Reservations thus became sites where social engineering was used to break communal organization. In 1878, to administer law and order, the first reservation police forces were formed, drawing from Indigenous ranks to enforce the new social order dictated by federal agents and church officials. In 1883 the Bureau of Indian Affairs created the Court of Indian Offenses to compel "civilization." Punishable offenses included sun dancing, ceremonial dancing, customary giveaways, owning guns or weapons, owning ponies, men wearing long hair, polygamy, large feasts not organized by the church, Indigenous funerary rites, leaving the reservation, and honoring ceremonies. A violation brought punishment through starvation by withholding rations or imprisonment. These "offenses," also known as "the civilization regulations," were enforced until their repeal in 1935.⁵⁸ The use of coercive force by an armed body of the state, such as the police or the courts, to control behavior was relatively unknown to the Oceti Sakowin. "No Lakota chief," writes Luther Standing Bear, "ever dreamed of using the power of a judge in court, or a policeman on a street corner, for it was not a tenet of his society that one individual should account to another for his conduct."⁵⁹

As punishment for the defiant political leadership, their

children were taken from them and sent to far-off boarding schools, where many died. Although leaders such as Red Cloud and Spotted Tail voluntarily sent their children to boarding schools, they protested the military-like discipline and corporal punishment. The system, however, was as much about taking the children hostage as it was using them as leverage to coerce the behavior of reservation leadership. Richard Pratt, a former Indian fighter who marched under Custer against the Ojibwa, was the main architect for the modern off-reservation boarding school system. The idea first came to him when in charge of Indigenous prisoners of war at Fort Marion in Florida. Assigned to oversee the confinement of Kiowa, Comanche, and Cheyenne inmates, Pratt experimented with assimilation through education. To his military mind, the Indian War would no longer be waged on the battlefield but in the classroom. Pratt's vision won him the backing of Indian reformers, and in 1879 he founded the Carlisle Boarding School in Pennsylvania.

The success of the Fort Marion experiment, however, could only be reproduced in similar prison-like and militarized conditions because it was impossible to "recruit" and "retain" students without the use of force. Complete removal from their parents, it was believed, was the only way to prevent relapse to Indigenous ways. Taken and then returned to their communities, the children were sometimes alienated from their parents and relatives because they could not speak their languages or had no bonds to their kin. At Carlisle, Indigenous students were subjected to a highly regimented routine. Although founded on military principles of discipline and order, the boarding schools didn't train Indigenous students to fight; rather, they taught them docility, compliance, and submission—the necessary ingredients for indoctrinating US patriotism and citizenship. "The Indians are destined to become absorbed into the national life," one Indian commissioner advised in an 1889 memo entitled "Inculcation of

Patriotism in Indian Schools," "not as Indians, but as Americans."⁶⁰

To many the US flag, which flew above the soldiers as they killed, raped, and pillaged Indigenous peoples and lands, was a detested symbol of growing US authority. It was one of the first means used to signify US supremacy at reservation headquarters. When soldiers attempted to build the first flagpole to fly the "Stars and Stripes" at the Red Cloud Agency in 1874, outraged Oglalas took hatchets and chopped it down. The troopers rebuilt the flagpole and proceeded to take the population count of the reservation agency—wielding two highly symbolic instruments of growing colonial rule: a flag and a census.⁶¹ With armed struggle mostly abandoned, Indigenous resistance changed from military resistance to a strategy of challenging the reservation system by continuing to refuse to sell land or to cooperate with reservation officials.

On the heels of a five-year recession, from 1878 to 1887 the desire for cheap or "free" Indigenous land in Dakota Territory infected white settlers like a fever. The decade, during which the white population in the region nearly doubled, was known as the "Great Dakota Boom." In 1887, under increasing pressure to open more of the remaining 1868 Treaty lands, Congress passed the Dawes Severalty Act, signaling a new assault on Lakota and Dakota lands. Dawes sought to disintegrate collective Native identities and communal land practices by allotting private plots to Native families and opening millions of acres of "excess" land for white settlement. The Plains nations began organizing against the Dawes Bill as soon as they learned of its dire consequences, and the Lakotas and Dakotas came to a consensus that they would refuse unconditionally to sell the land or to accept the terms of allotment. Achieving mass consensus and the consent of all divisions of the western Lakotas and Dakotas—under the ever-watchful eye of agency and church officials, and in conditions where most were half-starved—was a significant feat of

political mobilization and discipline. In 1888 Pratt led a commission to convince the Lakotas to accept the terms of the Dawes Bill. While the United States had not followed 1868 Treaty protocol for the Black Hills Act, this time the Pratt Commission, as it was known, attempted to obtain the three-fourths male consent required to fractionate remaining reservation lands and open up millions of acres for eventual settlement.

In one instance the Pratt Commission came to the Standing Rock Reservation. All the commissioners needed were votes of either “yes” or “no” to accept allotment or not. Twenty-two million acres remained of the 1868 Treaty lands. If half were sold, the United States would sell land at 50 cents an acre, which would create a permanent fund of \$1 million. Earning 5 percent interest per year, half would go toward education and agriculture, while the other half would be paid to those who accepted allotments. Under the leadership of Hunkpapa John Grass, the entire Standing Rock Reservation held council to discuss the conditions of the Dawes Bill. In all-night meetings, the Standing Rock council calculated the total distribution of money, which would amount to an insulting payment of \$1 per year to each individual on the reservations. Grass had signed the 1877 Black Hills Act, which ceded the Black Hills, without understanding the terms. For him, the Dawes Bill was most likely another elaborate scheme to swindle lands. On the basis of the earlier act’s outright fraud and failure to address either past wrongs or ongoing depredations, Grass led Standing Rock’s opposition to allotment. In a speech enunciating his refusal to sign any paper—either the red for “no,” or the black for “yes”—Grass remarked,

The whole nation here that are located on this reservation have come to the conclusion that we will not sign that black paper. We say also that we will not sign the red paper. You know exactly how many there are of us. I do not see what

further evidence you would want. Here is the whole nation, and we say: “We decline.”⁶²

The Pratt Commission, unable to acquire minimal consent to even vote on the Dawes Bill at Standing Rock, went to the remaining reservations and faced similar unified refusal. An utter failure, the bill received a mere 120 signatures.

The initial defeat of the Dawes Bill was but a momentary victory. In 1889 General George Crook, a veteran Indian fighter who was responsible for coaxing Crazy Horse to surrender, led another commission to secure “consent.” This time Crook lied about the bill, saying it would alleviate restrictions on dancing and generally improve reservation life without affecting prior treaty agreements. At first, when lies didn’t work, threats of violence and of the outright taking of the land, with or without Indigenous consent, pressured many to sign. When met with resistance, the Indian agent at Rosebud warned the opposition that their refusal to sign would jeopardize not just their standing with the United States, but also their entire legacy: “After you are dead and gone, and somebody reads . . . the names of the people who signed this treaty, I think you will want your names to be read out.”⁶³ At Pine Ridge Agency, when Oglalas under the leadership of Red Cloud refused to sign, an Indian agent “read the riot act” to Red Cloud and his followers to criminalize those who refused to sign away land.⁶⁴ Oglala leader Wasicu Tasunka (American Horse) had signed but regretted his decision later when beef rations were drastically cut, further imperiling an already-famished people. The commissioners previously stated that the bill would not affect rations or annuities. Cutting rations, combined with a whole host of other grievances that went unaddressed, according to American Horse, was like “cutting our heads off.”⁶⁵ Among the unfulfilled promises were the failure to improve the poor quality of annuity goods such as clothing and farming equipment, and continued unexplained

deaths of children at off-reservation boarding schools such as Carlisle.

Indeed, the new reservation political order had attempted to sever the heads of the Oceti Sakowin by taking children, usurping land, exterminating the buffalo nations, and diminishing Indigenous political authority. Having gained the necessary signatures to enforce allotment, the “permanent reservation” guaranteed under the 1868 Treaty was now open for white settlement. Crook’s commission had left the western divisions of the Oceti Sakowin deeply divided and in disarray after it destroyed the unified effort to resist the sale and further dissolution of remaining reservation lands. Now the Black Hills had been taken and 9 million acres of land opened for white settlement. What became known as the 1889 Sioux Agreement created the six modern reservation boundaries for the Pine Ridge, Rosebud, Cheyenne River, Standing Rock, Lower Brule, and Crow Creek Reservations.

During the late 1880s—disarmed, hungry, horseless, confined to concentration camps, the buffalo nearly exterminated, their land broken up and taken, and their children stolen from them—a new political movement spread like prairie fire across the West, promising Indigenous rebirth. Wovoka, a Paiute holy man, had a vision that assured the restoration of Indigenous peoples to their rightful place in a world taken from them. According to him, dead relatives and the buffalo nations would once again walk the earth. The Ghost Dance prophecy envisioned the end of the present world through the settlers’ erasure from the earth, and the return of human and nonhuman relations that had been vanquished by colonialism. It was foretold that, at some unspecified time in the near future, a cataclysmic event—such as an earthquake or whirlwind—would wipe the United States off the surface of the earth. Once the land was cleansed, life would be free of disease and colonialism, and correct relations among human and nonhuman worlds would be restored. Dakota anthropologist Ella Deloria recorded the

following description of the Ghost Dance from the viewpoint of an unnamed Lakota man who participated in the dance at the Pine Ridge Agency as a young runaway from boarding school:

The rumor got about: “The dead are to return. The buffalo are to return. The Dakota people will get back their own way of life. The white people will soon go away, and that will mean happier times for us once more!” That part about the dead returning was what appealed to me . . .

Soon fifty of us, little boys about eight to ten, started out across country over hills and valleys, running all night . . . There on Porcupine Creek thousands of Dakota people were in camp, all hurrying about very purposefully . . . A woman quickly spied us and came weeping toward us. “These [children] also shall take part,” she was saying of us. So a man called out, “You runaway boys, come here.” They stripped our ugly clothes from us and sent us inside [a purification lodge]. When we were well purified, they sent us out the other end and placed sacred shirts on us . . . Everyone wore one magpie and one eagle feather in his hair, but in our case there was nothing to tie them to. The school had promptly ruined us by shaving off our long hair till our scalps showed lighter than our faces!

The people, wearing the sacred shirts and feathers, now formed a ring . . . All walked cautiously and in awe, feeling their dead were close at hand . . . The leaders beat time and sang as the people danced going round to the left in a sidewise step. They danced without rest, on and on, and they got out of breath but still they kept going as long as possible. Occasionally someone thoroughly exhausted and dizzy fell unconscious into the center and lay there “dead” . . . After a while, many lay about in that condition. They were now “dead” and seeing their dear ones. As each one came to, she, or he, slowly sat up and looked about, bewildered, and then began wailing inconsolably . . .

The visions varied at the start, but they ended the same way, like a chorus describing a great encampment of all the Dakotas

who had ever died, where the buffalo came eagerly to feed them, and there was no sorrow but only joy, where relatives thronged out with happy laughter to greet the newcomer. That was the best of all!

Waking up to the drab and wretched present after such a glowing vision, it was little wonder that they walked as if their poor hearts would break in two with disillusionment. But at least they had seen! . . . They preferred that to rest or food or sleep. And so I suppose the authorities did think they were crazy—but they weren't. They were only terribly unhappy.⁶⁶

The visions were not escapist, but rather part of a growing anticolonial theory and movement. Participants were transported to a forthcoming world where the old ways and dead relatives lived. It was a utopian dream that briefly suspended the nightmare of the “wretched present” by folding the remembered experience of a precolonial freedom into an anti-colonial future. Upon awakening, dancers were forced to relive the horrors of their current reality. Above all, the visions were a reminder that life need not always be this way, and the Ghost Dance anticipated nothing less than the utter destruction of the colonial relation with the United States. But this was no cultural revitalization movement—anyway, the Ghost Dance did not derive from Oceti Sakowin culture. Also, the Ghost Dance was fundamentally oppositional in spirit. Lakota Ghost Dancers, historian Jeffrey Ostler observes, “hoped to see the present world destroyed and a new one come into being.”⁶⁷ Indigenous life could not be remade inside reservations, nor within a colonial system, but only through the complete destruction of both.

Nineteenth- and twentieth-century anthropologists and historians have often downplayed (or misconstrued) the revolutionary premises of the Ghost Dance. The most widely used text on the movement, *The Ghost-Dance Religion and Wounded Knee*, written in 1896 by armchair ethnographer

James Mooney, for instance, distorted the meaning of the Ghost Dance. Pandering to the sympathies of a US public in an attempt to make the Ghost Dance more palatable, Mooney used cultural relativism to justify its existence. In his mind, because Ghost Dancers followed a Christ-like messianic figure, Wovoka, the movement had largely embraced elements of Christianity and thus resembled modern Judeo-Christian religions. Further, he claimed, Lakota Ghost Dancers failed to properly adhere to Wovoka's message of nonviolence and pacifism, warping it into a “hostile expression” and confirming the US military's later characterization of the Lakota Ghost Dancers as “militants.”⁶⁸ But in reality, Wovoka taught peace—not through perpetual harmony with white settlers, and certainly not through submission to Christian morality or dogmatic pacifism. Rather, his call for peace was pragmatic: under present conditions, armed Indigenous resistance was futile. Thus, the Ghost Dance's mass appeal had less in common with Christianity than it did with earlier prophet-inspired pan-Indigenous movements. These include the 1760s Lenni Lenape prophet Neolin and his Odawa follower Pontiac (who fought British military occupation in the Great Lakes region); the 1800s Shawnee prophet Tenskwatawa and his brother Tecumseh, who together fought US occupation of the Ohio River valley; the 1860s Wanapum prophet Smohalla and his follower, the Nez Perce leader Chief Joseph; and the 1870s Pauite prophet Wodziwob, Wovoka's predecessor and the first practitioner of the Ghost Dance.⁶⁹ Each of these successive prophets built upon the messages and doctrines of the others by calling for pan-Indigenous resistance—sometimes through armed struggle—to reject colonial occupation. Each drew upon an accumulation of historical experience, and all were united by a common desire for Indigenous liberation.

Public debate at the time over Lakotas' adherence to the Ghost Dance's alleged pacifism served only to divide people fighting for survival into two camps: “legitimate” nonviolent

pacifists and “illegitimate” violent militants. Indeed, these divisions cater to the feelings of settler society more than they accurately portray the lived experiences of real Indigenous peoples. The categories of “good Indians” and “bad Indians” purposefully create criminal elements within Indigenous nations and movements, in order to obscure or hide the United States’ own criminal enterprise. But the Ghost Dance was not meant for the US colonizers, nor did its followers seek its recognition as a “legitimate” religion equivalent to Christianity. It was the US state’s criminalization of not only the dancers themselves, but all things defying the civilizing mission, that led the military to conclude that the dance was a “hostile expression.” All dancing—and practicing Indigenous lifeways, in general—was a criminal act punishable by imprisonment or the withholding of rations. To reservation officials, it didn’t matter if the dancers were militant or nonviolent: Ghost Dancing was inherently an oppositional, political act.

Nearly a third of all Lakotas—between four and five thousand—along with many Dakotas, participated in the Ghost Dance, a figure that demonstrates its mass influence. As a resistance movement, its tactics included complete withdrawal from reservation life; opposition to reservation authorities; the creation of resistance camps in remote areas far removed from the influence of the agency; the pilfering of annuity distribution centers (and sometimes white settlers’ cattle and crops); the destruction of agricultural equipment; and the refusal to send children to school, to speak English, to participate in censuses, and to attend work, church, or agency and council meetings; their tactics also included the refusal to live on assigned allotments, to obey “agency chiefs,” to cut one’s hair, to quit dancing, to wear white clothing and attire, or to use metal tools. In short, the movement posed a comprehensive challenge to the colonial order of things. At first Indian police were sent to suppress the dances, which were illegal, but their resolve was shaken when they were met by armed

guards willing to defend the dancers with violence if necessary. Upon meeting a strident refusal to quit dancing, some Indian police simply resigned, rather than face the prospect of killing their relatives or imprisoning them.⁷⁰

The widespread appeal of the Ghost Dance as an anti-colonial movement was in large part due to historical experience of its primary promoters and interlocutors: boarding school-educated Indigenous students. Two of its primary Lakota visionaries, Mato Wanahtake (Kicking Bear) and Tatanka Ptecela (Short Bull), used trains and writing to diffuse the message of the Ghost Dance to the Oceti Sakowin. Boarding school students who could read and write, often in both English and Lakota, transcribed Kicking Bear’s and Short Bull’s reports after the two men traveled by train to meet with Wovoka in Nevada. Ghost Dance prophecies, prayers, and songs were also transcribed and mailed to the various reservations, where boarding school students would read them aloud to fellow Ghost Dancers. Without this means of dissemination, the Ghost Dance would not have been so widespread—a fact Mooney admits in his ethnography. Letters conveying Ghost Dance songs and doctrines poured into Oceti Sakowin reservations from Indigenous nations in Utah, Wyoming, Montana, and Oklahoma.⁷¹

When Ghost Dancing began among the Lakotas, it was reported in the press as troubling and unrelenting. The largest deployment of the military since the Civil War arrived on the Northern Plains to crush the movement, and National Guard units from the surrounding states were brought in as backup for the federal troops. The first target was Sitting Bull, the last remaining powerful leader who had never signed a treaty and who still resisted the imposition of reservation life. The Standing Rock Indian agent, James McLaughlin, feared Sitting Bull and his Ghost Dancers would leave the reservation. On December 15, 1890, under heavy surveillance for his role in spreading the Ghost Dance, Indian police attempted to arrest

Sitting Bull. Roused from bed early that morning, Indian police dragged Sitting Bull from his log cabin and shot him in the head. A brief firefight ensued, in which Sitting Bull's followers killed six Indian police and the Indian police killed seven of his followers. After Sitting Bull's assassination, military arrest warrants were issued for other Ghost Dance leaders such as Mniconjou chief Hehaka Gleska (Spotted Elk). In an effort to diminish Spotted Elk's standing among his own people, white soldiers derisively called him "Si Tanka," or "Big Foot," because he wore US government-issued shoes that were too small for his feet. Fearing further reprisals, Sitting Bull's followers joined with Spotted Elk's people at the Cheyenne River Reservation. The Ghost Dancers then fled to turn themselves in at Red Cloud's agency in Pine Ridge, where they were detained at Wounded Knee Creek and surrounded by soldiers. The Seventh Cavalry, Custer's old regiment, took command of the camp and began by demanding the group turn over all weapons and surrender. They conducted tipi-by-tipi raids, confiscating anything that could be construed as a weapon, such as hatchets and knives.

On the morning of December 29, 1890, Spotted Elk and all the camp leaders were called to council with soldiers to turn in the last remaining guns. Hotchkiss guns (mobile light artillery) were strategically placed on the hillsides and trained at the starving, surrendering, and mostly unarmed Ghost Dancers. A scuffle broke out and a shot was fired. The Seventh Cavalry massacred between 270 and 300 Lakotas that day, including Spotted Elk. More than two-thirds among the slain were women and children. The Ghost Dancers fought back against the soldiers, inflicting casualties; if not for their struggle, there is no doubt more would have been killed, and that others would not have been able to escape. In the course of several hours, the cavalry chased down and killed the fleeing Lakotas. When the soldiers administered the killing blows, often by point-blank execution, they were heard muttering, "Remember Custer."⁷²

The military still refers to the massacre of half-starved and surrendering people as a battle against armed militants. Congress awarded twenty medals of honor to the soldiers involved in the massacre. In retaliation for the unprovoked slaughter, Ghost Dancers sought revenge. The story of a young Sicangu Carlisle boarding school graduate who returned to the reservation and joined the Ghost Dance movement is significant in this regard. Tasunka (Plenty Horses) was stripped of his language and culture at a crucial moment in his childhood, returning to his family and community with nothing to offer. "I found that the education I had received," Plenty Horses recalled, "was of no benefit to me. There was no chance to get employment, nothing for me to do whereby I could earn my board and clothes, no opportunity to learn more and remain with the whites. It disheartened me and I went back to live as I had before going to school."⁷³

His experience was not exceptional. The civilization experiment failed. Growing his hair long and donning pre-boarding school Lakota clothing, Plenty Horses joined armed resisters in the aftermath of the Wounded Knee Massacre. Lieutenant Edward Casey went to meet with the resistance camp that had holed up in the Badlands. Angry at what he had experienced in boarding school, the starving conditions to which he returned on the reservation, and witnessing his people killed with impunity at Wounded Knee, Plenty Horses positioned himself behind Casey as he approached and shot him in the back of the head. Army officials charged Plenty Horses with murder, but he was later acquitted. Had he been guilty of murder, then so too were the soldiers who massacred his people at Wounded Knee, the court reasoned. At trial, the court concluded that a state of war existed, although not formally declared, and therefore that Plenty Horses was not at fault, and neither were the soldiers involved in the Wounded Knee massacre—thus suspending the criminal act of genocidal murder.⁷⁴

In the aftermath of the October 27, 2016, raid on the 1851 Treaty Camp blockading the Dakota Access Pipeline, a rancid smell permeated the camps. Police and private security had heaped the camp's remnants—ceremonial items, such as eagle feathers, pipes, medicine bundles, and staffs, along with mangled tents, sleeping bags, clothing, and tipis—into a large pile near the entrance of Oceti Sakowin Camp. Cops and private security had urinated on the items before returning them.

One night, after it was decided to ceremonially burn the urine-soaked remnants, an Ihanktonwan elder gathered young Water Protectors around a fire. She was dressed in the regalia she wore the day of the raid. Hundreds of copper pennies hung by red ribbons from her dark blue trade cloth dress. She told of her ancestors who were killed during the 1862 US–Dakota War. Evicted from their homelands, they fled to present-day Standing Rock, crossing the Missouri River not far from the location of Oceti Sakowin Camp, after US cavalrymen massacred Dakotas and Lakotas in the Whitestone Hill buffalo hunt camp. This was, to the day, exactly 150 years before DAPL private security unleashed attack dogs on unarmed Water Protectors at a nearby pipeline construction site.

The day after Christmas in 1862, soldiers gathered up thirty-eight Dakota men and boys and imprisoned them at Fort Snelling in Mankato, Minnesota. Their medicine bundles were confiscated, heaped in a large pile, and burned as they were led to the gallows, singing their death songs. Their crime? Defending their nation and homelands. The same week that President Abraham Lincoln signed the Emancipation Proclamation freeing Black slaves, he also signed the death sentences of the thirty-eight Dakota patriots. The copper pennies hanging from the elder's regalia had holes drilled into Lincoln's ears with red ribbon threaded through. "He didn't listen," she said of the Great Emancipator, "so we opened his ears."

After the 1876 Battle of Greasy Grass, Lakota women used awls to carve holes in Custer's ears so he would hear better in

the afterlife. Now, it was President Barack Obama, North Dakota Governor Jack Dalrymple, and Morton County Sheriff Kyle Kirchmeier who refused to listen. As singers began a prayer song, the elder reminded the younger ones that the tears flowing from their eyes were their "ancestors speaking through them," and that they were not tears of trauma but of liberation. "We survived genocide after genocide."

Then she danced, and the pennies swayed with the flickering fire and billowing smoke. Behind her, armed police were perched on a hill half a mile away, and their bright floodlights glared down on us. Our history is the future.

What continues to sustain Indigenous peoples through the horrors of settler colonialism are the recent memories of freedom, the visions enacting it, and the daring conspiracies to recapture it. The Ghost Dance was not a monolithic movement, but an accumulation of prior anti-colonial experiences, sentiments, and struggles that informed #NoDAPL. Each struggle had adopted essential features of previous traditions of Indigenous resistance, while creating new tactics and visions to address the present reality, and, consequently, projected Indigenous liberation into the future. Trauma played a major role. But if we oversimplify Indigenous peoples as perpetually wounded, we cannot possibly understand how they formed kinship bonds and constantly recreated and kept intact families, communities, and governance structures while surviving as fugitives and prisoners of a settler state and as conspirators against empire; how they loved, cried, laughed, imagined, dreamed, and defended themselves; or how they remain, to this day, the first sovereigns of this land and the oldest political authority.

- Over': An Interview with Zaysha Grinnell," *Hot Spots, Cultural Anthropology*, December 22, 2016, culanth.org.
- 55 S. Lyman Taylor, *A History of Indian Policy*, (Washington, DC: United States Department of Interior, Bureau of Indian Affairs, 1973), 42-4; Francis Paul Prucha, *American Indian Treaties: The History of a Political Anomaly* (Berkeley: University of California Press, 1994), 6-7.
 - 56 R. G. Robertson, *Rotting Face: Smallpox and the American Indian* (Caldwell, ID: Caxton Press, 2001), xi.
 - 57 Chardon, *Journal at Fort Clark*, 126.
 - 58 George Catlin, *North American Indians*, vol. 2 (Edinburgh: John Grant, 1926), 2.
 - 59 Quoted in Lewis and Clark, *The Travels of Capts. Lewis & Clarke*, 27. Although Lewis and Clark brought with them a form of cowpox, it is doubtful the sample they carried survived by the time they reached the Mandan village.
 - 60 Clyde D. Dollar, "The High Plains Smallpox Epidemic of 1837-1838," *Western Historical Quarterly* 8:1, 1977, 23-4; Ostler, *The Plains Sioux*, 31.
 - 61 James Mooney, *The Aboriginal Population of American North of Mexico* (Washington, DC: Government Printing Office, 1928), 12-3.
 - 62 For an example of the now widely circulated "middle ground" thesis, see Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815* (New York: Cambridge University Press, 1991).

3. War

- 1 Quoted in James Mooney, *The Ghost-Dance Religion and Wounded Knee* (New York: Dover, 1973), 1072, author's translation.
- 2 Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8:4, 2006, 387.
- 3 "While colonial leaders were often responsible for dictating policies that supported colonial expansion," Dakota historian Waziyatawin writes. "Civilian populations of settlers had much to gain from helping to implement those policies. For example, scorch and burn was a tactic used in the earliest stages of American colonisation, prompting the Seneca victims of his policy to name George Washington, one of America's most famous founding fathers, Town Destroyer. Major General John Sullivan's army carried out Washington's orders by razing Haudenosaunee orchards and ripening fields of corn and beans. Washington's troops and their families were later rewarded

- for their service with title to Indigenous lands." "Malice Enough in their Hearts and Courage Enough in Ours: Reflections on US Indigenous and Palestinian Experiences under Occupation," *Settler Colonial Studies* 2:1, 2012, 176.
- 4 Andrew J. Birtle, *US Army Counterinsurgency Operations Doctrine, 1860-1941* (Washington, DC: Center for Military History, 2009), 27.
 - 5 Byrd, *Transit of Empire*, xxxv.
 - 6 Laleh Khalili, *Time in the Shadows: Confinement in Counterinsurgencies* (Palo Alto, CA: Stanford University Press, 2013), 18.
 - 7 I draw my definition of sovereignty—as arising from the "colonial encounter"—from Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (New York: Cambridge University Press, 2007).
 - 8 Many treaties during the early nineteenth century contained this exact language. See Vine Deloria Jr. and Raymond Demallie, *Documents of American Indian Diplomacy: Treaties, Agreements and Conventions, 1775-1979*, vol. 1 (Norman, OK: University of Oklahoma Press, 1999).
 - 9 Raymond J. Demallie, "The Great Treaty Council at Horse Creek," in *Nation to Nation: Treaties Between the United States and American Indian Nations*, ed. Suzan Shown Harjo (Washington, DC: National Museum of the American Indian, 2014), 91-4.
 - 10 For an excellent analysis of the role Fort Laramie played in the Powder River country and during the ensuing Plains wars, see Dunbar-Ortiz, *An Indigenous Peoples' History* (Boston, MA: Beacon, 2014), 186-91.
 - 11 Francis Paul Prucha, *American Indian Treaties: The History of a Political Anomaly* (Berkeley, CA: University of California Press, 1994), 237-40.
 - 12 Demallie, "The Great Treaty Council," 111.
 - 13 Ostler, *The Plains Sioux The Plains Sioux and US Colonialism from Lewis and Clark to Wounded Knee* (Cambridge: Cambridge University Press, 2004), 378.
 - 14 Josephine Waggoner, *Witness: A Hunkpapha Historian's Strong-Heart Song of the Lakotas*, ed. Emily Levine (Lincoln, NE: University of Nebraska Press, 2013), 332-3.
 - 15 *Annual Report of the Commissioner of Indian Affairs*, 33rd Cong., 1st sess., 1853-54, 122.
 - 16 Doreen Chaky, *Terrible Justice: Sioux Chiefs and US Soldiers on the Upper Missouri, 1854-1868* (Norman, OK: University of Oklahoma Press, 2012), 32-3.
 - 17 "Wasicu" is a term more associated with criminal behavior than it is considered a descriptor for race.

- 18 Edwin Thompson Denig, *Five Indian Tribes of the Upper Missouri: Sioux, Arikaras, Assiniboinas, Crees, Crows*, ed. John C. Ewers (Norman, OK: University of Oklahoma Press, 1961), 26–7.
- 19 Chaky, *Terrible Justice*, 34–5.
- 20 The defeat of Grattan is to this day still referred to as “the Grattan Massacre” by the US military.
- 21 Ostler, *The Plains Sioux*, 42.
- 22 Quote from Susan Bordeaux Bettelyoun and Josephine Waggoner, *With My Own Eyes: A Lakota Woman Tells Her People’s History*, ed. Emily Levine (Lincoln, NE: University of Nebraska Press, 1998), 64, 155n12.
- 23 Joseph Marshall III, *The Journey of Crazy Horse: A Lakota History* (New York: Penguin, 2005), 68.
- 24 Ostler, *The Plains Sioux*, 42; Marshall, *The Journey of Crazy Horse*, 68–9.
- 25 Paul N. Beck, *Columns of Vengeance: Soldiers, Sioux, and the Punitive Expeditions* (Norman, OK: University of Oklahoma, 2013), 11–13. See also Paul N. Beck, *Inkpaduta: Dakota Leader* (Norman, OK: University of Oklahoma Press, 2008).
- 26 Waziyatawin, *What Does Justice Look Like?: The Struggle for Liberation in Dakota Homeland* (St. Paul: Living Justice Press, 2008), 32–7.
- 27 Quoted in Duane Schultz, *Over the Land I Come: The Great Sioux Uprising of 1862* (New York: St. Martin’s Press, 1992), 28.
- 28 See Jennifer Nez Denetdale, *Reclaiming Diné History: The Legacies of Chief Manuelito and Juanita* (Tucson, AZ: University of Arizona Press, 2007).
- 29 See Carol Chomsky, “The United States–Dakota War Trials: A Study in Military Injustice,” *Stanford Law Review* 43, 1990, 13–98.
- 30 Beck, *Columns of Vengeance*, 45–9.
- 31 Ladonna Bravebull Allard, “Why the Founder of Standing Rock Sioux Camp Can’t Forget the Whitestone Massacre,” *Yes! Magazine*, September 3, 2016, yesmagazine.org.
- 32 Beck, *Columns of Vengeance*, 166–7.
- 33 As Ostler points out, technically, the 1851 Treaty did allow for the construction of roads through Lakota territory. The construction of the Bozeman Trail, however, could be viewed as violating “the spirit of the 1851 agreement, which they [Lakotas, Cheyennes, and Arapahos] believed permitted travel on the North Platte road alone.” Ostler, *The Plains Sioux*, 45.
- 34 Marshall, *The Journey of Crazy Horse*, 45–51.
- 35 Quoted in Craig Howe, Lydia Whirlwind Soldier, and Lanniko L. Lee, eds., *He Sapa Woihanble: Black Hills Dream* (St. Paul: Living Justice Press, 2011), 22–3.

- 36 The Oceti Sakowin still reunites annually for sun dances, powwows, and basketball games. For example, the Lakota Nation Invitational basketball tournament brings tens of thousands of the Oceti Sakowin to He Sapa in December. Although basketball tournaments are celebrations of sorts, tribal councils frequently schedule their meetings at the tournament.
- 37 See Marshall, *The Journey of Crazy Horse*, 37.
- 38 See Beatrice Medicine, “Oral History” in *The Great Sioux Nation Sitting in Judgement on America, An Oral History of the Sioux Nation and Its Struggle for Sovereignty*, ed. Roxanne Dunbar-Ortiz (Berkeley, CA: International Indian Treaty Council, 1977), 121–3.
- 39 See Ella Deloria, *The Dakota Way of Life* (Rapid City, SD: Mariah Press, 2007), 8–15.
- 40 W. E. B. Du Bois, *Black Reconstruction in America, 1860–1880* (New York: Free Press, 1998), 708.
- 41 See Vine Deloria Jr. and Clifford M. Lytle, *The Nations Within: The Past and Future of American Indian Sovereignty* (Austin: University of Texas Press, 1984), 16–27.
- 42 Patrick Wolfe, *Traces of History: Elementary Structures of Race* (New York: Verso, 2016), 160.
- 43 Jeffrey Ostler, *The Lakotas and the Black Hills* (New York: Viking, 2010), 62.
- 44 For the text of the 1868 Treaty, Francis Paul Prucha, ed., *Documents of United States Indian Policy*, 3rd ed., (Lincoln, NE: University of Nebraska Press, 2000), 109–13.
- 45 David D. Smits, “The Frontier Army and the Destruction of the Buffalo,” *Western Historical Quarterly* 25:3, 1994, 322–3.
- 46 Red Cloud, “I Was Born a Lakota,” in *Lakota Belief and Ritual*, eds. Raymond J. Demallie and Elaine A. Jahner (Lincoln, NE: University of Nebraska Press, 1991), 139.
- 47 Joseph Marshall III, *The Day the World Ended at Little Bighorn: A Lakota History* (New York: Penguin, 2007), 38.
- 48 Chalkley M. Beeson, “A Royal Buffalo Hunt,” *Transactions of the Kansas State Historical Society* 10, 1908, 577.
- 49 Terry Mort, *Thieves’ Road: The Black Hills Betrayal and Custer’s Path to Little Bighorn* (New York: Prometheus, 2015), 67–8.
- 50 Richard Slotkin, *The Fatal Environment: The Myth of the Frontier in the Age of Industrialization, 1800–1890* (Norman, OK: University of Oklahoma Press, 1985), 358–70. See also Ostler, *The Plains Sioux*, 59–60.
- 51 Marshall, *The Journey of Crazy Horse*, 201–2.
- 52 Quoted in Richard G. Hardorff, ed., “Moving Robe Woman Interview,” *Lakota Recollections of the Custer Fight* (Lincoln, NE: University of Nebraska Press, 1997), 93.

- 53 See Martin J. Kidston, "Northern Cheyenne Break a Vow of Silence," *Helena Independent Record*, June 28, 2005, helenair.com.
- 54 Hardorff, "Moving Robe Woman Interview," 96.
- 55 Prucha, *Documents of United States Indian Policy*, 146.
- 56 See Sidney L. Harring, *Crow Dog's Case: American Indian Sovereignty, Tribal Law, and United States Law in the Nineteenth Century* (Cambridge, UK: Cambridge University Press, 1994).
- 57 Ostler, *Lakotas and the Black Hills*, 101. For a detailed account of the efforts to address the theft of the Black Hills, see Mario Gonzalez and Elizabeth Cook-Lynn, *The Politics of Hallowed Ground: Wounded Knee and the Struggle for Indian Sovereignty* (Urbana, IL: University of Illinois Press, 1998); Edward Lazarus, *Black Hills/White Justice: The Sioux Nation versus the United States, 1775 to the Present* (Lincoln, NE: University of Nebraska Press, 1999).
- 58 Suzanne Shown Harjo, "Introduction," in *Nation to Nation*, 4-6.
- 59 Standing Bear, *Land of the Spotted Eagle*, 132.
- 60 Prucha, *Documents of United States Indian Policy*, 179. See also Frederick E. Hoxie, *The Campaign to Assimilate the Indians, 1880-1920* (Lincoln, NE: University of Nebraska Press, 1984).
- 61 Ostler, *The Plains Sioux*, 54-5.
- 62 "Letter from the Secretary of the Interior Transmitting ... In response to Senate resolution of December 13, 1888, report relative to opening part of the Sioux Reservation," 50th Cong., 2nd sess., Senate, ex. doc. no. 17, December 17, 1888, 79.
- 63 "Message from the President of the United States ... Transmitting Reports relative to the proposed division of the great Sioux Reservation, and recommending certain legislation," 51st Cong., 1st sess., Senate, ex. doc. no. 51, February 10, 1890, 67. Henceforth, "Crook report."
- 64 Quoted in Ostler, *The Plains Sioux*, 236.
- 65 Crook report, 222.
- 66 Quoted in Ella Deloria, *Speaking of Indians* (Lincoln, NE: University of Nebraska Press, 1998), 81-3.
- 67 Ostler, *The Plains Sioux*, 262.
- 68 Mooney, *The Ghost-Dance Religion*, 777.
- 69 Ostler, *The Plains Sioux*, 250.
- 70 Ibid., 277-8.
- 71 Mooney, *The Ghost-Dance Religion*, 819-20.
- 72 Ostler, *The Plains Sioux*, 351.
- 73 Quoted in Robert M. Utley, "The Ordeal of Plenty Horses," *American Heritage* 26:1, 1974, americanheritage.com.
- 74 See Dunbar-Ortiz, *An Indigenous Peoples' History*, 156-7.