



“The Greatest Gathering of Indians Ever Assembled”: The 1875 Black Hills Council at Red Cloud Agency, Nebraska

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Article Summary: For a month in late summer 1875 the nation’s gaze was drawn to proceedings at the remote Red Cloud Agency in northwestern Nebraska, where the federal government sought unsuccessfully to convince Lakota leaders to cede ownership of the Black Hills. The council was noteworthy for the issues involved, its effect on the future of Indian-white relations, and because it was among the largest such gatherings in American history.

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Names: John Grattan, Scattering Bear, Red Cloud, Spotted Tail, Little Big Man, William J. Fetterman, Philip Sheridan, Ulysses S. Grant

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Keywords: Red Cloud Agency, Lakota Sioux, Grand Council, Fort Laramie Treaty (1851, 1868), Great Sioux Reservation, “Peace Policy,” Bozeman Trail, “gold fever,” Allison Commission, Great Sioux War (1876-1877)

Photographs / Images: Red Dog’s village; Red Cloud Agency, 1876; map of western Nebraska and surrounding region at the time of the Black Hills Council; Oglala and Brulé leaders from the Nebraska agencies (Omaha, 1875); William B. Allison; Geminien P. Beauvais; Rev. Samuel D. Hinman; John T. Bell; Indians and interpreters in the Black Hills, July 1875; Andrew S. Burt; inset article reporting the council’s failure (*Omaha Daily Bee*, October 1, 1875); beef issue at Red Cloud Agency, V. M. Bromley engraving, *Illustrated London News*, August 21, 1875; Little Big Man; Red Dog; Oglala leaders and interpreters in Washington, D. C., 1877

“THE GREATEST GATHERING OF INDIANS EVER ASSEMBLED:”

*THE 1875 BLACK HILLS
COUNCIL AT RED CLOUD
AGENCY, NEBRASKA*

BY JAMES E. POTTER



Red Dog's village was southeast of
Red Cloud Agency. NSHS RG2955-48

*F*or a month in late summer 1875 the nation's gaze was drawn to proceedings at the remote Red Cloud Agency in northwestern Nebraska. Home to Red Cloud's Oglala division of the Lakota (Western Sioux), the agency had been chosen as the site for important negotiations between U. S. Government commissioners and the Indians. The so-called "Grand Council" would focus on gaining the Indians' agreement to cede ownership of the Black Hills, then a part of the Great Sioux Reservation. It was the second of two councils held in western Nebraska that were noteworthy for the issues involved, their effect on the future of Indian-white relations, and because they were among the largest such gatherings in American history. *continued.*

The first council took place in September 1851 at Horse Creek, just east of the modern Nebraska-Wyoming state line in today's Scotts Bluff County. Originally set for Fort Laramie, the council was moved to Horse Creek because the ponies of the assembled Indians had consumed all the grass near the fort while the delegations were waiting for government officials to arrive. Plains and mountain tribes, including the Lakota, Crow, Shoshone, Arapaho, Cheyenne, Assiniboine, and Arickara attended the eighteen-day council (some estimates say eight to ten thousand Indians were present). The resulting treaty was known officially as the Fort Laramie Treaty of 1851, but it is often called the Horse Creek Treaty.¹

In return for government compensation in the form of rations and presents, the Indians would accept tribal boundaries, keep the peace among themselves and with the whites, permit the government to build forts in their country, and refrain from molesting emigrants along the Oregon-California trails. As in other instances where the negotiating parties did not speak the same language, represented vastly different cultures, and did not share similar concepts of land possession and use, the whites likely overestimated the extent to which the Indian signatories (band chiefs and headmen) understood the treaty and the ability of those leaders to bind their followers to its terms. It would not be long before conflict occurred.²

August 1854 saw the first significant fracture in the tenuous peace the treaty sought to secure. Ironically, the event occurred near Fort Laramie when Bvt. 2d Lt. John Grattan led a detail from the fort to arrest an Indian who had butchered an emigrant's cow and taken refuge in a massive Lakota village. When Brulé headman Scattering Bear was unable to deliver the alleged offender as Grattan demanded, the inexperienced and headstrong officer ordered his twenty-nine soldiers to open fire. Grattan and his party were quickly killed after Scattering Bear was struck down by the soldiers' initial volley. This episode led to the army's retaliatory attack on Little Thunder's Brulé village near Ash Hollow, Nebraska Territory, in September 1855.³

After the notorious November 1864 massacre by Colorado volunteers of a peaceful Southern Cheyenne village at Sand Creek, Colorado Territory, the Lakota and Cheyenne responded by attacking settlements and travelers along the Platte Valley travel and communications corridor. During the summer of 1865 the U.S. Army mounted a punitive campaign against the Indians, who by then had concentrated in the Powder River region of today's Wyoming and Montana. The army's subsequent construction of forts along the Bozeman Trail, which arched through the heart of Lakota country from Fort Laramie to the new Montana gold fields, sparked Red Cloud's

Red Cloud Agency, 1876.
NSHS RG2095-80

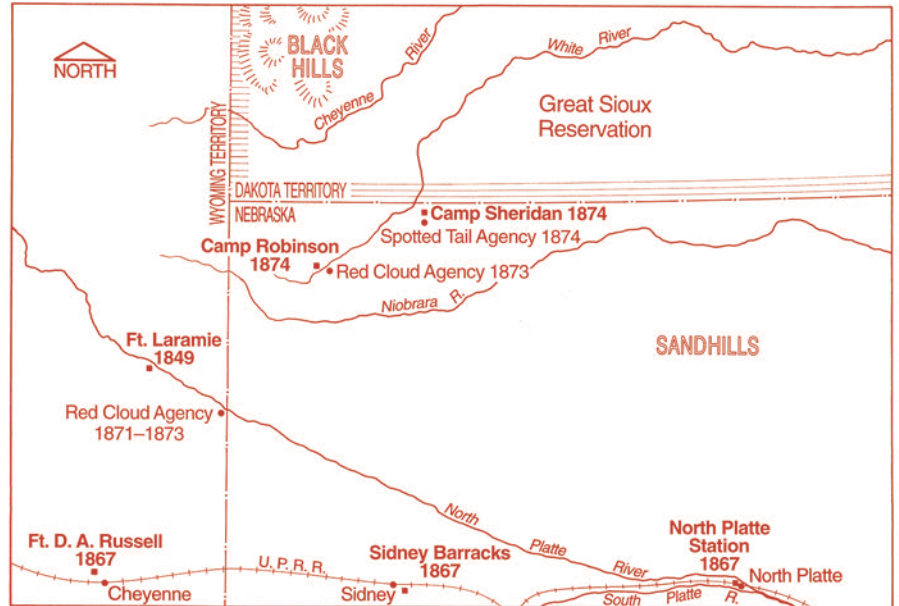


war against the U.S. Army. In December 1866 near Fort Phil Kearny, Red Cloud's followers and allied Northern Cheyenne and Arapaho warriors wiped out Capt. William J. Fetterman and the eighty men under his command. For months afterwards the Indians besieged the soldiers in their trailside enclaves and attacked them when they ventured forth. Indian resistance finally forced the U.S. government to the bargaining table, leading to the 1868 Fort Laramie treaty.⁴

The treaty offered something for both parties. In addition to bringing peace by ending "Red Cloud's War" and removing the troops from the Bozeman Trail forts, it established the "Great Sioux Reservation" in Dakota Territory north of Nebraska and west of the Missouri River, (the western portion of today's South Dakota) from which whites would be permanently excluded. In return for the Lakota giving up the right to roam and hunt wherever they chose and accepting a designated reservation, the government would provide them with rations for four years, and educational and agricultural assistance for longer periods to help them adapt to the inevitable end of their hunting lifestyle. The government's largess would be distributed at agencies located on the reservation and administered by agents appointed by religious denominations under President Ulysses S. Grant's so-called "Peace Policy." Eventually, it was hoped, the Indians would learn to become self-supporting, i.e. "civilized," agriculturalists and could then receive individual allotments of land to farm within the reservation.

The region "north of the North Platte River and east of the summits of the Big Horn Mountains," which included the Bozeman Trail and the protective U.S. military posts, was declared to be "unceded Indian territory" not open to white settlement. The treaty provided that although the Indians would not have the right to occupy this region permanently, they could continue to hunt there and on the Republican River in Nebraska for as long as buffalo ranged "in such numbers as to justify the chase." Once the forts were abandoned and the Bozeman Trail closed, the treaty was finally consummated when Red Cloud signed it on November 6, 1868. The Senate ratified it February 16, 1869.⁵

Unlike several of the treaty's more straightforward provisions, those relating to the process of "civilization" seemed vague and tenuous to a people who had long supported themselves by hunting and were seemingly being encouraged to continue doing so by the treaty's grant of hunting rights outside the reservation. The treaty also anticipated the prospect of future cessions of reservation land



to the government, but only with the agreement of three-fourths of the adult males of the bands who had been parties to the treaty.⁶

Some of the Lakota proved more amenable to a reservation future than others, particularly those whose places of habitation had brought them into contact with white overland migration, incipient settlements, and railroad construction already compromising the game resources on which they depended. Notwithstanding the recent victory over the army, Red Cloud and other leaders, such as Spotted Tail of the Brulé, had concluded that fighting the whites in the future would be futile. These men represented Lakota bands that had mostly given up the chase, or were soon to do so. Several of these same chiefs and headmen had been exposed to the United States' seemingly limitless population and technological prowess during visits to meet with government officials in Washington, D.C. Although they recognized that the nomadic life was unsustainable, they sought to extend the inevitable transition to the reservation over a generation or two to give their people time to adapt. In Red Cloud's view, the change should occur "on Lakota terms, at Lakota speed."⁷

Even the leaders of the more geographically isolated Lakota bands, such as Sitting Bull and Crazy Horse, who had had much less contact with the whites, had not signed the 1868 treaty, and wanted nothing to do with reservations, understood that the nomadic life could not last forever. Nevertheless, they determined to maintain it for the present, rejecting the government's annuities and reservations and resisting white encroachment on their hunting

Western Nebraska and surrounding region at the time of the Black Hills Council.

Oglala and Brulé leaders from the Nebraska agencies were photographed in Omaha on May 14, 1875, while on their way to Washington, D.C. to meet with government officials. They visited Julius Meyer's "Indian Wigwam" curio store during their stop in the city. Standing, l. to r.: Julius Meyer; Red Cloud, Oglala. Seated, l. to r.: Sitting Bull, Oglala (not to be confused with the famous Hunkpapa leader of the same name); Swift Bear, Brulé; Spotted Tail, Brulé. NSHS RG 2246-8a



grounds west of the designated reservation for as long as game held out there. Maintaining control of the Black Hills was central to this approach. The Black Hills represented a "food pack" that could sustain the people in times of scarcity and allow them to delay accepting the government handouts that had already become essential to the reservation bands' survival.⁸

It was gold that upset the rather indefinite timetable for transforming the Lakota from hunters to farmers and precipitated the 1875 council, the first in a series of dramatic developments that would rapidly and forever change Lakota life and relations with the government. Rumors of gold in the Black Hills had been circulating for years, and occasional exploring parties had given the rumors

credence as early as the 1850s.⁹ In 1875 former fur trader Geminien Beauvais recalled acquiring gold dust from the Corn band of the Brulé in 1858, which the Indians had taken from Black Hills streams.¹⁰ Although interest in these potential mineral riches continued to grow, whites were barred from entering the Black Hills, part of the reservation set aside by the 1868 Fort Laramie Treaty. Lacking an incentive more powerful than the fear of Indian retaliation for trespass on the reservation, only the boldest of whites would dare enter this relatively unknown and somewhat forbidding region. That powerful incentive was soon provided.

The 1874 establishment of Camps Robinson and Sheridan near Nebraska's Red Cloud and Spotted Tail agencies in response to disruptions by non-agency and non-treaty Lakota visitors revived Department of the Missouri commander Gen. Philip Sheridan's interest in establishing additional military posts to further encircle the Great Sioux Reservation. Forts Randall and Sully already lay to the east, while Forts Lincoln and Rice were to the north. Sheridan proposed establishing a post or posts west of the reservation in the Lakota hunting grounds of the Yellowstone Valley, along with another in or near the Black Hills. The Indian bureau was also considering the idea of establishing a separate agency in the vicinity to exert more control over the non-agency bands using the Hills as a refuge. After gaining approval from the President and the War and Interior departments, Sheridan ordered Lt. Col. George Armstrong Custer and the Seventh U.S. Cavalry to explore the Black Hills for appropriate sites. Most observers, however, believed the reconnaissance was really to determine whether the Black Hills contained gold in paying quantities.¹¹

When the journalists and scientists with Custer reported that gold had indeed been found, "gold fever" sent miners pouring into the Black Hills despite the army's efforts to keep them out. There were simply too few troops available and too many routes by which trespassers could slip into the Hills un-noticed. In the summer of 1875 the government sent geologist Walter P. Jenney's scientific party to the Black Hills, accompanied by a military escort under Lt. Col. Richard Irving Dodge, to confirm or discount the region's mineral endowment once and for all.¹²

In the meantime, rather than continuing a seemingly futile policy to cordon off the Black Hills from white encroachment, the government decided that the best solution lay in negotiating a new agreement with the Lakota for their purchase.

Many westerners thought that was the reason Red Cloud, Spotted Tail, and other agency leaders had been taken to Washington D. C. in May 1875 to meet with Commissioner of Indian Affairs Edward P. Smith, Secretary of the Interior Columbus P. Delano, and President Ulysses S. Grant. The Indians did not see it that way, however, focusing instead on their complaints about conditions at their agencies and the question of surrendering their hunting rights in Nebraska. If ceding the Black Hills were to be discussed, said the Native leaders, the government should send commissioners to meet with them in their own country and in the presence of their own people. Hence, on June 18, 1875, with President Grant's approval, Secretary Delano appointed a commission "to treat with the Sioux for the Relinquishment of the Black Hills."¹³

The commission would be chaired by U.S. Senator William B. Allison of Iowa and was popularly known as the Allison Commission. The other appointees who agreed to serve were former Congressman Abram B. Comingo of Independence, Missouri; Brig. Gen. Alfred H. Terry; Rev. Samuel D. Hinman of Nebraska's Santee Agency; former fur trader Geminien P. Beauvais of St. Louis; William H. Ashby of Beatrice, Nebraska; and A. G. Lawrence of Providence, Rhode Island. Fort Laramie post trader John S. Collins, formerly of Omaha, would be the secretary and Robert Lines of Washington, D.C. the stenographer.



U.S. Senator William B. Allison of Iowa chaired the Black Hills Commission.
Courtesy of Paul Hedren, Omaha



Commission member Geminien P. Beauvais.
NSHS RG2411-482



**Commission member
Rev. Samuel D. Hinman**
Smithsonian Institution

The commission hoped to get all the Lakota bands' agreement to hold the council at some point on the Missouri River, enabling the commissioners to travel there by steamboat. A sub-commission consisting of Comingo, Hinman, Ashby, and Collins went out in July and August to make the arrangements. They first visited Red Cloud's agency and the nearby agency for Spotted Tail's Brulé but both Red Cloud and Spotted Tail categorically refused to attend a council held on the Missouri River. The commissioners then trekked north from Spotted Tail Agency via the Black Hills to the less populous Cheyenne River, Crow Creek, and Stand-

ing Rock agencies on the Missouri River, where they managed to persuade representatives of the Yanktonai, Miniconjou, Hunkpapa, Two Kettle, Sicasapa, Lower Brule, and Sans Arc bands to attend a council near the Nebraska agencies. The exact site was not designated, but the commissioners implied that the council would convene on Chadron Creek, about midway between the Red Cloud and Spotted Tail agencies. These hints about the council site would come back to haunt the commission in early September when it arrived at Red Cloud Agency and sought to get the negotiations underway.

At the government's request, the agency Oglala sent runners into the Powder River and Tongue River country to invite the non-treaty bands under Sitting Bull and Crazy Horse to the council. Some Northern Lakota, who had previously visited the agencies to accept government annuities when game became scarce, had begun to consider settling down on the reservation. This softening attitude toward reservation life came to an end in the summer of 1875 when it became clear that the miners' invasion of the Black Hills was continuing with the government's apparent blessing. Neither Sitting Bull and Crazy Horse, nor most of those who followed them would subsequently attend the 1875 council, although Little Big Man was chosen to lead a delegation of Northern Oglala to monitor and, if necessary, disrupt the proceedings.¹⁴

By early September 1875 the number of Indians assembled within a fifty-mile radius of Red Cloud Agency, including women and children,

may have approached 20,000 although estimates vary. They included the Oglala, Brulé, and associated Northern Arapaho and Northern Cheyenne from the Nebraska agencies, significant delegations from the Missouri River agencies, and a much smaller number of representatives from the non-agency bands. The White River valley and its tributaries must have offered an impressive sight, dotted as they would have been with hundreds of tepees and thousands of ponies. One observer called it "the last grand gathering of the greatest of the surviving Indian nations."¹⁵

The commissioners reached Red Cloud Agency on September 4, 1875, having traveled from Omaha to Cheyenne on the Union Pacific Railroad, then overland via Fort Laramie. The first formal session of the Grand Council would not convene for more than two weeks, delayed by wrangling between the commissioners, Red Cloud, and Spotted Tail about exactly where the meeting should take place. Red Cloud wanted the talks held at his agency, while Spotted Tail demanded a site on Chadron Creek, which the sub-commission had seemingly promised during its July-August visit to the agencies. Having settled into quarters within the Red Cloud Agency stockade and under the protective shadow of nearby Camp Robinson, the commissioners were unwilling to travel the thirty or so miles to Chadron Creek to sit down with the Indians. After much discussion among the parties, the commissioners finally fixed the council site on the White River plain about six miles northeast of Red Cloud Agency and just north of the rugged landmark known as Crow Butte.¹⁶ Because the Black Hills gold discoveries had already received wide publicity and miners were already prospecting and building settlements there illegally, the government's purchase of the Hills seemed crucial to preventing the outbreak of an Indian war. The council and its outcome became national news, and several newspapers sent correspondents to report both on the arrangements leading up to the council and on the council itself. They included the *Omaha Bee*, *Omaha Herald*, *Chicago Tribune*, *New York Herald*, *Cheyenne Daily Leader*, and *New York Tribune*, along with a few smaller newspapers. Some correspondents were professional journalists, while others were army officers or civilian attachés of the Allison Commission hired by the papers to report on the proceedings.

Homer Stull, city editor of the *Omaha Herald*, covered the travels of the sub-commission in July and August for his own paper and for the *Chicago Tribune*. His letters during that time offer insight to

**John T. Bell, the *Omaha Herald's* correspondent
at the Black Hills Council**
NSHS RG2411-384a





Indians and interpreters in the Black Hills, July 1875. *Omaha Herald* correspondent Homer Stull accompanied the sub-commission and the ten-member delegation from Red Cloud and Spotted Tail agencies that traveled through the Black Hills en route to the Missouri River agencies. The man on the right is likely Francis C. Boucher, Spotted Tail's son-in-law. A correspondent at the September council described him as "a portly Frenchman." Albert E. Guerin, Jennewein Collection, Dakota Wesleyan University, Mitchell, South Dakota

how the agency Lakota felt about the miners' invasion of the Black Hills and provide a glimpse of the miners themselves and the frantic activity that characterized the early months of the Black Hills gold rush. Stull also recorded conditions at the Missouri River agencies and their inhabitants' response to the pending negotiations.

John T. Bell, a former newspaperman who in 1875 worked as a court stenographer in Omaha, took over as the *Omaha Herald* correspondent during the council itself. Charles Collins, editor of the *Sioux City Times*, who for several years had promoted opening the Black Hills for mining, even organizing expeditions for that purpose, wrote dispatches for the *Omaha Bee*.¹⁷ Reuben Davenport of the *New York Herald* accompanied the Jenney/Dodge scientific exploration of the Black Hills

during the summer of 1875 before leaving to attend the Grand Council. Capt. Andrew S. Burt of the Ninth U.S. Infantry had also been with the Dodge expedition and traveled with Davenport to Red Cloud Agency, where Burt reported for the *New York Tribune*. Iowa newspaperman Albert Swalm, Senator Allison's confidante and the commission's assistant secretary, penned reports both for the *Chicago Tribune* and for his own paper, the *Fort Dodge Messenger*.¹⁸ Other accounts, unsigned or bearing only initials, appeared in the *Cheyenne Daily Leader* and may have originated with Red Cloud Agency traders or other civilian employees. Even the *North Platte Western Nebraskian* briefly had a special correspondent at the council, identified only as "Mart." After the correspondents reached Red Cloud Agency in early September,



Andrew S. Burt, then a captain in the Ninth U.S. Infantry, was the *New York Tribune's* correspondent at the council. This later photograph was taken after his promotion to lieutenant colonel, Seventh U.S. Infantry. Little Bighorn Battlefield National Monument, National Park Service.

the slow pace of getting the formal talks underway forced them to write about anything and everything associated with the council and its participants, both to occupy their time and to satisfy the public's interest. Their lengthy dispatches were carried by courier from Red Cloud Agency to Fort Laramie or Cheyenne, and sent on from there by telegraph.

The correspondents' reports provide a fascinating glimpse of the personalities, interactions, and cultures of the Indian, mixed-blood, and white participants in the 1875 Black Hills negotiations. They also reveal the depth of dependency and loss of autonomy that characterized the agency Lakota less

than a decade after Red Cloud's war had forced the U.S. government to negotiate the 1868 treaty and abandon the Bozeman Trail forts. Nevertheless, the Allison Commission's instructions signaled that the government considered itself bound by the terms of the 1868 treaty confirming Lakota ownership of the Black Hills, even though the treaty's annuity provisions had expired and the government was now feeding the agency Indians gratuitously. Moreover, Article 12 required the consent of three-fourths of all adult male Indians for land cessions from the Great Sioux Reservation. This was the major hurdle that the Allison Commission would attempt to overcome, particularly since large numbers of the non-agency Lakota declined to attend the council.¹⁹

As they penned their letters for their respective newspapers, the reporters made little pretense of objectivity, even according to the slack journalistic standards of the day. Much of their writing reflects both the biases against and stereotypes of Indians that many Americans shared. Although Indians had sometimes been portrayed as innocent children of nature or "noble savages," by 1875 their resistance to American expansion into their homelands and their refusal to adopt white values and ways of living made it easy, particularly on the part of westerners, to characterize them as vicious, immoral, and lazy among other epithets, and almost sub-human. What's more, while the Indians resisted efforts to "civilize" them according to the standards of white society, they were seen as being perfectly willing to adopt the whites' worst vices, degrading themselves even further.²⁰

Although the correspondents condemned most aspects of Indian life and culture they observed at the agencies, some of what they wrote concerning the "uncivilized savages" standing in the way of American progress served, even if inadvertently, to highlight the Indians' humanity and undercut the stereotypes. While the reporters were quick to characterize the Indians as "rascals" or "lazy, shiftless dogs" with "untutored minds," and portray leaders such as Red Cloud and Spotted Tail as crafty, sullen, treacherous, or greedy, the accounts also revealed them to be rational and intelligent human beings with a hearty sense of humor who employed considerable diplomatic skill in defending their land and way of life in the face of great odds.

Preliminaries occupied the first two weeks, including informal meetings between the commissioners and band chiefs or headmen. While the correspondents were killing time waiting for the actual council to begin, they observed and

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WEST.

The Black Hills Treaty— Preposterous demand of the Indians.

The Indian Council breaks up without accomplishing anything.

(Special to the BEE.)
 REDCLOUD AGENCY, Sept. 29. }
 VIA SIDNEY, Sept. 30. }

The commissioners submitted a proposition for treaty to the Indians on Wednesday, the text of which, I already sent you. It will not be accepted by the Indians, and the commissioners are prepared to return home and submit report. The following is the summary of what the Indians demand, in payment for the Black Hills: 6 yoke of oxen and wagons; 1 span of horses and wagon; Live Stock; Furniture, etc; and annuities of subsistence annually for 600 years. They also demand the appointment of agents and employees and removal of troops from all agencies on the reservations, and the removal of the Catholic clergy as religious instructors; only one road into the hills via Bismarck; the extension of the reservation to the middle of the Platte river in Nebraska, and an utter refusal to part with the Powder river and Big Horn country.

Their demands are considered preposterously unseasonable by the commissioners. The commissioners return Saturday.

CHARLES COLLINS.

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Correspondent Charles Collins's report of the council's failure appeared in the *Omaha Daily Bee*, October 1, 1875.



recorded some of the more picturesque aspects of agency life, such as the beef issue, dances, and feasts. They interviewed Indian leaders, including Red Cloud and Spotted Tail, and visited with the government commissioners, agency employees, soldiers from nearby Camp Robinson, and the so-called “squaw men,” whites who had married Indian women and lived in the Indian camps. As they whiled away the hours and days, the correspondents also had a good deal of fun at their own expense and took jabs at the commissioners as well. They sometimes highlighted the wry sense of humor that several of the Indians displayed.

After settling the thorny issue of the precise site of the council, the first session was called for noon on September 20. The initial meeting was devoted largely to Senator Allison’s speech in which he proposed that the government would like to lease the Black Hills. This proposal surprised the Indians, who indulged in hearty laughter when Allison said that once all the gold had been dug out, the land would be returned to them to do with as they chose.

Some of the most dramatic newspaper stories describe the September 23 meeting, at which Little Big Man and other northern warriors opposed

to ceding the Black Hills threw the council into turmoil. Little Big Man and his followers, painted and armed, surrounded the commissioners and the small detachment of Camp Robinson soldiers and threatened agency leaders, such as Red Cloud and Spotted Tail, who seemed favorable to negotiating the sale of the Black Hills. As the armed groups stood glaring at each other with cocked rifles at the ready, Young Man Afraid of His Horse and Sitting Bull, the Oglala, ordered agency “soldiers” to disperse the northern tribesmen. Had a single shot been fired, it is likely that all of the whites and many Indians would have been killed. Although the shaken commissioners returned safely to Red Cloud Agency, it must have become clear, both to them and to most other participants, that the Grand Council was doomed to failure.

The commissioners and the leading men of the various bands met several more times before the final session convened on September 29. The commissioners had been authorized to offer six million dollars to buy the Black Hills outright, and the Lakota speakers held out for seven million or more (some reports mentioned seventy million), as well as guarantees that the government would subsidize their people for seven generations or for

V. M. Bromley engraving of a beef issue at Red Cloud Agency, *Illustrated London News*, August 21, 1875.
NSHS 10930-4



Little Big Man, Oglala, led the delegation of non-agency Lakota that attended the council.

NSHS RG2955-25

as long as any Indian remained alive. And these were the Indians who were willing to sell if the price was right; factions within the agency bands, as well as the northern followers of Sitting Bull and Crazy Horse, opposed ceding the Black Hills under any circumstances.²¹

The correspondents recorded the Indian side of the discussions in some detail, and their dispatches reflect that, while the newspapermen thought most of the Indians' claims were excessive, a compromise might have been possible had the commission been more competent and had the government allowed it more flexibility and more time to conduct the negotiations. The reporters and the editors back home credited the Lakota demands to coaching by "squaw men" and "half-breeds" and the potential profiteering that the government payment for the Black Hills might bring to the alleged "Indian Ring" of conniving politicians, bureaucrats, Indian agents, and contractors who administered and supplied the agencies.²²

While some of the reporters harped on the Indians' "preposterous" demands, others laid the

council's failure, in part, to misunderstanding and poor interpretation, problems that plagued many negotiations between Indians and the government. It seems clear, however, that Lakota leaders were capable of assessing the value of the Black Hills on their own, perhaps not strictly in monetary terms, but according to what giving up the region would mean to their peoples' future. That realization helps explain why many of the Lakota spokesmen insisted on government support during what was sure to be a lengthy transition to a new and problematic way of life. Leaders such as Red Cloud and Spotted Tail were well aware that the rationing period provided in the 1868 Treaty had expired, yet even the agency Lakota remained manifestly unready to support themselves. Therefore they were willing to follow the precedent set in 1868 by exchanging land (in this case the Black Hills) for continued government support.

After the talks had reached an impasse, most of the commissioners and reporters left for home. Commissioners Ashby and Beauvais remained at Red Cloud Agency for another week or so to oversee the distribution of one hundred horses promised as a reward to the Oglala delegates who had gone north in August to notify the non-agency Lakota of the pending council. Newspaperman Albert Swalm also stayed behind, and penned a few more letters to the Chicago and Fort Dodge, Iowa, papers. One of his letters described a Sun Dance he attended, while another told of an evening visit, along with Ashby and Beauvais, to the lodge of the Oglala shirt-wearer Sword Owner, where the men had been invited to partake of a dog feast.²³ Swalm's last letter from Red Cloud Agency described some of the problems the commissioners encountered during the distribution of the horses to the Indians.

Once the council ended, several of the newspapers that had covered it weighed in editorially, putting much of the blame for the collapse of the negotiations on the commissioners and, by implication, on the government's Indian policy. Although the *New York Tribune* noted that the Lakota had asked an exorbitant price for the Black Hills, "they were really seeking honest dealings at the agencies . . . During this council that subject was occasionally brought up despite the efforts of the Commissioners to stifle it. . . It is the real cause of the failure of the council. Indians have as much common sense as white men, and they perceive clearly that until the whole Agency system is remodeled or swept away, they will never get more than a fraction of what belongs to them."²⁴ Indeed, earlier that summer another government

commission had visited Red Cloud Agency to investigate charges of fraud and mismanagement raised by Yale paleontologist Prof. Othniel Marsh.²⁵

The *Omaha Herald* (a Democratic paper only too glad to blast the policies of Grant's Republican administration) laid the Grand Council's failure squarely on the Allison Commission's doorstep. The commissioners "assumed the airs of men who neither understood the gravity of their mission nor the means whereby its objects could be accomplished."²⁶ One of the commission's shortcomings was having inadequate time to conciliate those Lakota who were opposed to the sale of the Black Hills. Some of the northern Indians barely had time to learn about the council before it got underway, and only a few attended.

The leasing proposition, too, was another blunder, according to the *Omaha Herald*. "It was entirely worthy of the average stupidity of the heavy men of the Commission and produced universal disgust among both white men and Indians. The political Cheap Johns sent out to meet men of more character and sense than they possess, supposed that these Indians were a set of fools, and that they could be induced to part with a vast and valuable country for a song."²⁷

A significant oversight with respect to the 1875 council was alluded to by some of the correspondents; no presents were distributed to the Indians. Providing presents was a standard feature of what Ethnohistorian Raymond DeMallie has termed a minimal model for plains treaty councils. To the Indians, receiving presents was one of the most significant parts of such a council and a prerequisite to serious negotiations.²⁸ The Allison Commission and the bigwigs in the Office of Indian Affairs should have known this. They had only to read the reports of earlier Indian councils or listen to the advice of their own members, Geminien P. Beauvais and Samuel D. Hinman, both of whom had experience in previous negotiations with Indians. In fact, while engaged with the sub-commission in August to arrange for the council, Hinman had advised Washington officials, "it is important that presents be sent for them."²⁹

As the council drew to a close, remarks by Indian leaders such as Spotted Tail and Red Cloud signaled that an agreement to cede the Black Hills might still be possible if negotiations could be kept open. After all, it had taken the government some seven years to persuade those same leaders to surrender the hunting rights granted by the 1868 treaty. But the Allison Commission rejected any such

possibility in its report, which one scholar termed "an exhibition of spite" because the initial effort to conclude an agreement had failed.³⁰

The consequences of the termination of negotiations were significant. At a White House meeting on November 3 attended by the President, the secretaries of war and interior, and leading army officers, the army was relieved of its assignment to keep miners out of the Black Hills. This decision also played into the army's often-expressed opinion that the solution to the "Indian problem" was military action against the non-agency and non-treaty bands, whom the Allison Commission had blamed for the failure of the Black Hills negotiations. On December 3, the administration issued an order for all Lakota to report to an agency by January 31, 1876, or face military action. This ultimatum, and the ridiculously short time provided for the Indians to comply with it, precipitated the Great Sioux War of 1876-77.³¹

Red Dog, Oglala orator, often served as Red Cloud's spokesman.
NSHS RG2955-13





Delegation of Sioux Indians who made the treaty when
Yellow Bear, Me Dog, Little Wound, American Horse, Little
Jose Merivale, intory's William



Oglala leaders and interpreters who were part of a delegation from the Nebraska agencies that met with President Rutherford B. Hayes in Washington, D. C. on September 27-28, 1877. The meeting was to discuss the government's plan to relocate the agencies from Nebraska to the Missouri River in Dakota Territory as provided by the 1876 Black Hills agreement. Most of the individuals pictured here also participated in the 1875 Black Hills Council. Standing, l. to r.: He Dog, Little Wound, American Horse, Little Big Man, Young Man Afraid of his Horse, Sword. Seated, l. to r.: Yellow Bear, José Merivale, William Garnett, Leon Pallady, Three Bears. NSHS RG 2095-78

Photo copy by Schweter

whereby the Black Hills were surrendered to the U.S.

Young Man afraid of his Horse
 Sword.
 Leon Pallady, Three Bears.
 interpret

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Shortly after the Lakota and their allies defeated Lt. Col. George Armstrong Custer's Seventh Cavalry at the June 25-26, 1876, Battle of the Little Bighorn with the loss of some 268 officers and men, the government changed course on its dealings with both the agency and non-agency Lakota. The former were to be subjected to direct military supervision, including disarming and dismounting, while the bands still fighting the army were to be pursued until forced to surrender. On July 18 the Interior Department agreed to transfer authority over all the agencies to the army.


In August 1876 Congress adopted recommendations presented by the Commissioner of Indian Affairs and the Allison Commission with respect to the Black Hills. Because the majority of the Lakota bands could no longer support themselves by hunting and were "absolute pensioners of the government," the government "is entitled to ask something of them in return." This "something" would be the cession of the Black Hills as an equivalent for "the free rations now granted." A new commission was appointed to visit the agencies and inform the Indians that unless they agreed to relinquish all claims to the Black Hills, the government would cut off the rations and other commodities it had been providing them.³²

The commission, headed by George P. Manypenny, went west in the fall of 1876, arriving at Red Cloud Agency in September, almost exactly a year after the Allison Commission reached there in 1875. It then proceeded to the Spotted Tail Agency and to those along the Missouri River. This time there was no effort at negotiation and no Grand Council.³³ The commission simply presented the Indians with the government's "sell or starve" ultimatum. Even under this pressure, the commission secured signatures only from agency band leaders and headmen, far fewer than the three-fourths of all male Indians required by Article 12 of the Fort Laramie treaty. Nevertheless, on February 28, 1877, Congress ratified the so-called Manypenny Agreement and the Black Hills ceased to be part of the Great Sioux Reservation.³⁴

Later that spring, following a winter campaign by the army, the last of the fighting Indians fled to Canada or came in to surrender at the agencies, including the band led by Crazy Horse, which arrived at Red Cloud Agency in early May 1877. On September 5 the Oglala leader would die at nearby Camp Robinson after being mortally wounded by a soldier as he resisted being forced into the post guardhouse. A month later, the people living at the Red Cloud and Spotted Tail agencies were moved

from Nebraska to the Dakota reservation. The Sioux War, along with the Indians' old way of life, was over.

Edward Lazarus in his 1991 book, *Black Hills/White Justice* noted, "The greatest weapon the Sioux possessed had never been their formidable skill as warriors but the way they reminded Americans of the yawning gulf between their high ideals and their political actions."³⁵ Beginning in the 1890s and continuing into the early twentieth century, elderly survivors of the Red Cloud generation and then younger, more progressive Lakota began agitating to gain compensation for the loss of the Black Hills. A 1920 congressional act authorized a Court of Claims to adjudicate tribes' claims against the United States. In 1923 attorney Ralph Case filed the Black Hills Claim on behalf of the Lakota. Litigation relating to the claim proceeded for decades until 1974, when the Indian Claims Commission finally ruled that the Lakota were entitled to monetary compensation for the loss of the Black Hills. The U.S. Supreme Court upheld the award in 1980.

As for the so-called preposterous Indian demands at the 1875 council, the judgment valued the Black Hills at \$17.5 million in 1877 dollars which, with interest, totaled \$106 million by 1980. By this time, however, more militant Lakota had adopted the position that only the return of the land itself would be appropriate compensation. The monetary award under the successful Black Hills Claim remains in the U.S. Treasury, untouched and drawing interest. For the Lakota people, the unclaimed payment signals how the legacy of the failed Grand Council and the loss of the Black Hills during the nineteenth century remains alive well into the twenty-first.³⁶ 

Editorial note: The NSHS has published the Black Hills Council letters as a book: "From Our Special Correspondent": Dispatches from the 1875 Black Hills Council at Red Cloud Agency, Nebraska, Edited by James E. Potter. In addition to the letters themselves, the 344-page paperback includes this introductory essay, editorial notes, map, fourteen photographs, references, three appendixes, bibliography, and index. See the order form in this issue.

NOTES

¹ Douglas C. McChristian, *Fort Laramie: Military Bastion of the High Plains* (Norman, OK.: Arthur H. Clark Co., 2008), 51-61.

² James C. Olson, *Red Cloud and the Sioux Problem* (Lincoln: University of Nebraska Press, 1965), 6-8.

³ McChristian, *Fort Laramie*, Chap. 3, "The Unfortunate Affair," and 91-93.

⁴ For the story of the Bozeman Trail and warfare in 1866-68, see John D. McDermott, *Red Cloud's War: The Bozeman Trail, 1866-1868* (Norman, OK.: Arthur H. Clark Co., 2010).

⁵ Olson, *Red Cloud*, 79-81. The text of the treaty appears in Charles J. Kappler, comp., *Indian Affairs: Laws and Treaties*, 2 vols. (Washington, DC: GPO, 1904), 2: 998-1007.

⁶ For an analysis of the 1868 Treaty as an exchange with neither side gaining everything it wanted, see Jill St. Germain, *Broken Treaties: United States and Canadian Relations with the Lakotas and the Plains Cree, 1868-1885* (Lincoln: University of Nebraska Press, 2009), 59-66.

⁷ Kingsley M. Bray, *Crazy Horse: A Lakota Life* (Norman: University of Oklahoma Press, 2006), 152.

⁸ These themes are noted in *ibid.*, 132, 154, 187-89.

⁹ The documented and undocumented accounts of early gold discoveries are reviewed in Watson Parker, *Gold in the Black Hills* (1966; reprint, with new introduction, Pierre: South Dakota State Historical Society Press, 2003), Chap. 1, "Geography and Early Exploration."

¹⁰ G. P. Beauvais, St. Louis, Missouri, Mar. 25, 1875, to William F. Lee, Cheyenne, Wyoming Territory, published in *Cheyenne Daily Leader*, Mar. 30, 1875.

¹¹ Paul Andrew Hutton, *Phil Sheridan and His Army* (Norman: University of Oklahoma Press, 1985), 290-91.

¹² Wayne R. Kime, ed., *The Black Hills Journals of Colonel Richard Irving Dodge* (Norman: University of Oklahoma Press, 1996), records the day-by-day activities of this expedition.

¹³ Much of the foregoing summary is based on "Fiasco in Washington," Chap. 10 of Olson, *Red Cloud*.

¹⁴ Bray, *Crazy Horse*, 181, 189-90.

¹⁵ Reuben Davenport letter, Red Cloud Agency, Sept. 24, 1875, in *New York Herald*, Oct. 7, 1875.

¹⁶ See "Failure of a Commission," Chap. 11 in Olson, *Red Cloud*.

¹⁷ Jane Conard, "Charles Collins: The Sioux City Promotion of the Black Hills," *South Dakota History* 2 (Spring 1972): 131-71.

¹⁸ The *Fort Dodge Messenger* on Oct. 28, 1875, noted Swalm's return from the council. "During his absence Mr. S. was commissioned as the special correspondent of the Chicago Tribune and a portion of the time for the New York Tribune—sufficient work to keep him busy when not engaged in his clerical duties."

¹⁹ St. Germain, *Broken Treaties*, 265-68.

²⁰ See Robert F. Berkhofer Jr., *The White Man's Indian: Images of the American Indian from Columbus to the Present* (New York: Alfred A. Knopf, 1978), 25-31; Hugh J. Reilly, *Bound to Have Blood: Frontier Newspapers and the Plains Indian Wars* (Lincoln: University of Nebraska Press Bison Books, 2011).

²¹ "Failure of a Commission," in Olson, *Red Cloud*.

²² Although there is little doubt that fraud and waste was associated with the administration of Indian affairs, Paul Andrew Hutton concluded "there is no evidence of an organized conspiracy." Hutton, *Phil Sheridan*, 98.

²³ Bray, *Crazy Horse*, 449n.25.

²⁴ Editorial, *New York Tribune*, Oct. 1, 1875.

²⁵ For the Red Cloud Agency investigation, see Olson, *Red Cloud*, 189-98; *Report of the Special Commission Appointed to Investigate the Affairs of the Red Cloud Indian Agency, July 1875*, 3 vol. (Washington, DC: GPO, 1875).

²⁶ Editorial, *Omaha Daily Herald*, Sept. 30, 1875.

²⁷ *Ibid.*

²⁸ Raymond J. DeMallie, "Touching the Pen: Plains Indian Treaty Councils in Ethnohistorical Perspective," in Frederick C. Luebke, ed., *Ethnicity on the Great Plains* (Lincoln: University of Nebraska Press, 1980).

²⁹ Quoted in Grant K. Anderson, "Samuel D. Hinman and the Opening of the Black Hills," *Nebraska History* 60 (Winter 1979): 532.

³⁰ St. Germain, *Broken Treaties*, 270-71. The Allison Commission's report was published in the Nov. 18, 1875 edition of the *Chicago Tribune*, apparently before the commissioner of Indian affairs received it. The *Tribune's* "scoop" was probably due to Albert Swalm, who had been the paper's special correspondent during the council.

³¹ St. Germain, *Broken Treaties*, 278-80; Hutton, *Phil Sheridan*, 298-300.

³² *Annual Report of the Commissioner of Indian Affairs, 1875* (Washington, DC: GPO), 510, 701.

³³ As interpreter William Garnett put it, "[T]hey brought a treaty fully cooked containing schemes for school children, rations, mixed bloods, etc." Richard E. Jensen, ed., *Voices of the American West, Volume 1: The Indian Interviews of Eli S. Ricker, 1903-1919* (Lincoln: University of Nebraska Press, 2005), 87.

³⁴ Olson, *Red Cloud*, 223-30.

³⁵ Edward F. Lazarus, *Black Hills, White Justice: The Sioux Nation versus the United States, 1775 to the Present* (New York: Harper Collins Publishers, 1991), 117.

³⁶ *Ibid.*, 146, 319, 402.