

THE TREATY OF 1868

The basis of the defense for the 275 people indicted for their stand for their rights by treaty and by law at Wounded Knee will be the Treaty of 1868.

Here are the main points of the Treaty of 1868 between 10 bands of Sioux and the Northern Arapaho Indians and the U.S. Government:

1. Peace between the U.S. and the Indians. The U.S. will punish anyone, Indian or white, who violates the Treaty, and reimburs the injured person for the loss.
2. The Sioux and Arapaho will have a reservation of everything west of the Missouri River in present South Dakota. The area north of the North Platte River and east of the Bighorn Mountains (in Wyoming) will be unceded Indian territory, where no whites will settle or pass through. The Indians will give up claims to other land.
3. If the reservation yields less than 160 acres of farming land per person, the U.S. will provide nearby land. Anyone living on the reservation may take land for his own or his family and own it privately; otherwise land is held in common by the Tribe. The U.S. may pass laws about passing down land to descendants.
4. The U.S. will provide: Governmental, educational and economic buildings; and agent who lives on the reservation and who can forward complaints of Treaty violation for prosecution; schools and a teacher for every 30 children; assistance for farming; clothing and necessities for 30 years; food for four years; oxen and a cow for every family that farms.
5. The Treaty can only be changed by a vote of 3/4 of all adult males of the tribes.

SOME MAIN ISSUES

The agreement of 1877 which took away the Black Hills (after gold was discovered there) from the tribes is held to be invalid as it never obtained the required 3/4 adult male approval.

The Dawes Allotment Act of 1877-79 greatly reduced the reservation land base by opening up large portions of land for sale to white ranchers--it never had the 3/4 adult male approval either.

The 1868 Treaty makes no provision for the U.S. to set up it's own form of government on the reservations; yet that is what the 1934 Indian Re-Organization Act did. The act did not have the consent of the majority on many reservations so the U.S. stipulated that majority approval was not a necessary condition for the implementation of this act.

One of several myths ~~concerning~~ concerning the occupation of Wounded Knee-1973 was that the occupational force consisted primarily of "uninvited militant-outsiders". The indictments put forth by the grand jury investigating the case however, prove that many people being charged are from the Pine Ridge Reservation (where Wounded Knee is located), or from neighboring areas. The ~~charge~~ charge was further shattered by the attendance of 65 Traditional leaders of the Oglala Lakota Nation at the opening of the "leadership" trials in St. Paul, Minn., (Feb., 1974). There they issued the following statement to the presiding federal judge and to the American public:

We are all Oglala people, landowners and Traditional people. We have come to a court which we don't know, which doesn't know us, to tell everybody who will listen that we stand with our brothers Russell Means and Dennis Banks. Together we stand with our traditions, our land, our medicine, and our Treaty rights.

We represent not only ourselves but the Oglala Band, the Sioux Nation and concerned Indian people everywhere.

We called our brothers and AIM to help us because we were being oppressed and terrorized. They answered our call. We now call upon all people to honor our people and to honor our Treaty rights.

If Dennis Banks and Russell Means go to jail for supporting the dignity of the Sioux Nation and the promises made to us, you must be ready to send us all to jail. If we cannot live according to our ways and tradition we are ready to join them in the white man's prison.

FRANK FOOLS CROW
Traditional Chief of the
Oglala Sioux

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100 people still face possible imprisonment for their participation at the Wounded Knee occupation-1973 and depend on contributions from concerned groups and individuals to maintain an adequate legal defense--if YOU are concerned, please forward your donation to :

WKLD/OC*	or	WOUNDED KNEE SUPPORT COMM.
P.O. Box 80903		1st. Flr. Offices-Union
Lincoln, Nebraska		Michigan State Univ.
68501		East Lansing, Mich.
		48824

(*Wounded Knee Legal Defense/Offense Committee)

TRAIL OF BROKEN TREATIES

THE TRAIL OF BROKEN TREATIES

We need not give another recitation of past complaints nor engage in redundant dialogue of discontent. Our conditions and their cause for being should perhaps be best known by those who have written the record of America's action against Indian People. In 1832, Black Hawk correctly observed: "You know the cause of our making war. It is known to all white men. They ought to be ashamed of it."

The Government of the United States knows the reasons for our going to its capital city. Unfortunately, they don't know how to greet us. . . We go because America has been only too ready to express its shame, and suffer none from the expression - while remaining wholly unwilling to change to allow life for Indian People.

. . . We seek a new American majority - a majority that is not content merely to confirm itself by superiority in numbers, but which by conscience is committed toward prevailing upon the public will in ceasing wrongs and in doing right. For our part, in words and deeds of coming days, we propose to produce a rational, reasoned manifesto for construction of an Indian future in America. If America has maintained faith with its original spirit, or may recognize it now, we should not be denied.

Press statement issued October 31, 1972

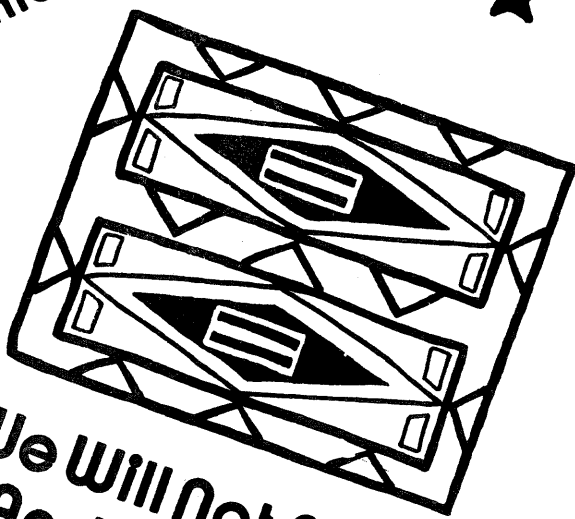


JUSTICE IN AMERICA

0700

B.I.A. Interferes With Potawatomis Internal Affairs

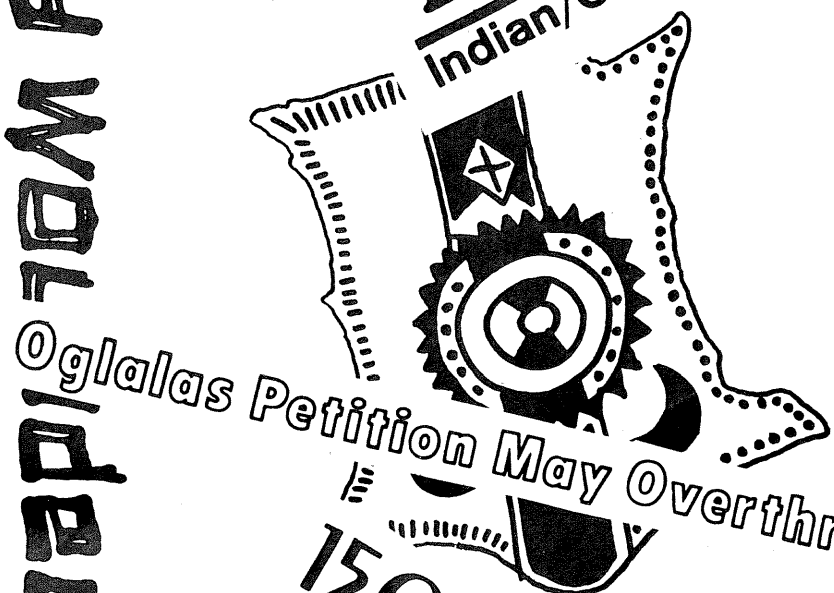
The Scottsbluff Incident
Indian/Chicano Unity Conference Draws Police Attention



"We Will Not Stand By And Watch Suppression"

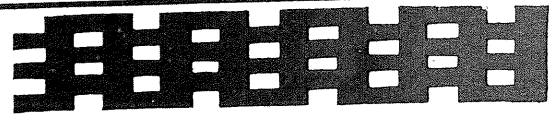
WHY WOULD WE

WHY WOULD WE



15 QUESTIONS ABOUT THE 1868 TREATY OF FORT LARAMIE
OUR MOTHER EARTH!
STRIP MINING IN MONTANA

We want to have a new RELATIONSHIP with you...an HONEST one!



OUR 20 POINT PROPOSAL

"TRAIL OF BROKEN TREATIES": FOR RENEWAL OF CONTRACTS—RECONSTRUCTION OF INDIAN COMMUNITIES & SECURING AN INDIAN FUTURE IN AMERICA!

1. RESTORATION OF CONSTITUTIONAL TREATY MAKING AUTHORITY: The U.S. President should propose by executive message, and the Congress should consider and enact legislation to repeal the provision in the 1871 Indian Appropriations Act, which withdrew federal recognition from Indian Tribes and Nations as political entities which could be contracted by treaties with the United States, in order that the President may resume the exercise of his full constitutional authority for acting in the matters of Indian Affairs — and in order that Indian Nations may represent their own interests in the manner and method envisioned and provided in the Federal Constitution.



2. ESTABLISHMENT OF TREATY COMMISSION TO MAKE NEW TREATIES: The President should impanel and the Congress establish, with next year, a Treaty Commission to contract a security and assistance treaty, or treaties, with Indian people to negotiate a national commitment to the future of Indian people for the last quarter of the Twentieth Century. Authority should be granted to allow tribes to contract by separate and individual treaty, multi-tribal or regional groupings, or national collective, respecting general or limited subject matter—and provide that no provisions of existing treaty agreements may be withdrawn or in any manner affected without the explicit consent and agreement of any particularly-related Indian Nation.



3. AN ADDRESS TO THE AMERICAN PEOPLE & JOINT SESSION OF CONGRESS: The President and the leadership of Congress should make commitment now and next January to request and arrange for four Native Americans — selected by Indian people at a future date — and the President of the United States and any designated U.S. Senators and Representatives to address a joint session of Congress and the American people through national communications media, regarding the Indian future within the American Nation, and relationships between the Federal Government and Indian Nations — on or before June 2, 1974, the first half century anniversary of the 1924 "Indian Citizenship Act."



4. COMMISSION TO REVIEW TREATY COMMITMENTS & VIOLATIONS: The President should immediately create a multi-lateral, Indian and non-Indian, Commission to review domestic treaty commitments and complaints of chronic violations, and to recommend or act for corrective actions, including the imposition of mandatory sanctions or interim restraints upon violative activities, and including formulation of legislation designed to protect the jeopardized Indian rights and eliminate the unending patterns of prohibitively complex lawsuits and legal defenses — which habitually have produced indecisive and interminate results, only too frequently forming guidelines for more court battles, or additional challenges and attacks against Indian rights. (Indians have paid attorneys and lawyers more than \$40,000,000 since 1962. Yet many Indian people are virtually imprisoned in the nation's courtrooms in being forced constantly to defend their rights, and while many tribes are forced to maintain a multitude of suits in numerous jurisdictions relating to the same or a single issue, or a few similar issues. There is less need for more attorney assistances than there is for institution of protections that reduce violations and minimize the possibilities for attacks upon Indian rights.)



5. Resubmission of Unratified Treaties to the Senate: The President should resubmit to the U.S. Senate of the next Congress those treaties negotiated with Indian nations or their representatives, but never heretofore ratified nor rendered moot by subsequent treaty contract with such Indians not having ratified treaties with the United States. The primary purpose to be served shall be that of restoring the rule of law to the relationships between such Indians and the United States, and resuming a recognition of rights controlled by treaty

AKWESASNE NOTES

relations. Where the failure to ratify prior treaties operated to affirm the cessions and loss of title to Indian lands and territory, but failed to secure and protect the reservations of lands, rights, and resources reserved against cession, relinquishment, or loss, the Senate should adopt resolutions certifying that a prior *de facto* ratification has been effected by the Government of the United States, and direct that appropriate actions be undertaken to restore to such Indians an equitable measure of their reserved rights and ownership in lands, resources, and rights of self-government. Additionally, the President and the Congress should direct that reports be concluded upon the disposition of land rights and land title which were lawfully vested or held, for people of Native Indian blood under the 1848 Treaty of Guadalupe Hidalgo with Mexico.



6. All Indians to be Governed by Treaty Relations: The Congress should enact Joint Resolution declaring that as a matter of public policy and good faith, all Indian people in the United States shall be considered to be in treaty relations with the Federal Government and governed by doctrines of such relationship.



7. Mandatory Relief Against Treaty Rights Violations: The Congress should add a new section to Title 28 of the United States Code to provide for the judicial enforcement and protection of Indian Treaty Rights. Such section should direct that, upon petition of any Indian Tribe or prescribed Indian groups and individuals claiming substantial injury to, or interference in the equitable and good faith exercise of any rights, governing authority, or utilization and preservation of resources, secured by Treaty, mandatorily the Federal District Courts shall grant immediate enjoinder or injunctive relief against any non-Indian party or defendants, including State governments and their subdivisions or officers, alleged to be engaged in such injurious actions, until such time as the District U.S. Court may be reasonably satisfied that a Treaty Violation is not being committed, or otherwise satisfied that the Indians' interests and rights, in equity and in law, are preserved and protected from jeopardy and secure from harm.



8. Judicial Recognition of Indian Right to Interpret Treaties: The Congress should by law provide for a new system of federal court jurisdiction and procedure, when Indian treaty or governmental rights are at issue, and when there are non-Indian parties involved in the controversy, whereby an Indian Tribe or Indian party may by motion advance the case from a federal District Court for hearing, and decision by the related U.S. Circuit Court of Appeals. The law should provide that, once an interpretation upon the matter has been rendered by either a federal district or circuit court, an Indian Nation may, on its own behalf or on behalf of any of its members, if dissatisfied with the federal court ruling or regarding it in error respecting treaty or tribal rights, certify directly to the United States Supreme Court a "Declaratory Judgment of Interpretation", regarding the contested rights and drawn at the direction or under the auspices of the affected Indian Nation, which that Court shall be mandated to receive with the contested decision for hearing and final judgment and resolution of the controversy — except and unless that any new treaties which might be contracted may provide for some other impartial body for making ultimate and final interpretations of treaty provisions and their application. In addition, the law should provide that an Indian Nation, to protect its exercise of rights or the exercise of treaty or tribal rights by its members, or when engaging in new activities based upon sovereign or treaty rights, may issue an interim "Declaratory Opinion on Interpretation of Rights", which shall be controlling upon the exercise of police powers or administrative authorities of that Indian Nation, the United States or any State(s), unless or until successfully challenged or modified upon certification to and decision by the United States Supreme Court — and not withstanding any contrary U.S. Attorney General's opinion(s), solicitor's opinion(s), or Attorney General's Opinion(s) of any of the States.



EARLY WINTER, 1973

9. Creation of Congressional Joint Committee on Reconstruction of Indian Relations: The next Congress of the United States, and its respective houses, should agree at its outset and in its organization to withdraw jurisdiction over Indian Affairs and Indian-related program authorizations from all existing Committees, except Appropriations of the House and Senate, and create a Joint House-Senate "Committee on Reconstruction of Indian Relations and Programs" to assume such jurisdiction and responsibilities for recommending new legislation and program authorizations to both houses of Congress — including consideration and action upon all proposals presented herewith by the "Trail of Broken Treaties Caravan", as well as matters from other sources. The Joint Committee membership should consist of Senators and Representatives who would be willing to commit considerable amounts of time and labors and conscientious thought to an exhaustive review and examining evaluation of past and present policies, program and practices of the Federal Government relating to Indian people; to the development of a comprehensive broadly-inclusive "American Indian Community Reconstruction Act", which shall provide for certain of the measures herein proposed, repeal numerous laws which have oppressively disallowed the existence of a viable "Indian Life" in this country, and effect the purposes while constructing the provisions which shall allow and ensure a secure Indian future in America.



10. Land Reform and Restoration of an 110-Million Acre Native Land Base: The next Congress and Administration should commit themselves and effect a national commitment, implemented by statutes or executive and administrative actions, to restore a permanent non-diminishing Native American land base of not less than 110-million acres by July 4, 1976. This land base and its separate parts, should be vested with the recognized rights and conditions of being perpetually non-taxable, except by autonomous and sovereign Indian authority, and should never again be permitted to be alienated from Native American or Indian ownership and control.

10a. Priorities in restoration of the Native American Land Base: When Congress acted to delimit the President's authority and the Indian Nations' powers for making treaties in 1871, approximately 135,000,000 acres of land and territory had been secured to Indian ownership against cession or relinquishment. This acreage did not include the 1867 treaty-secured recognition of land title and rights of Alaskan Natives, nor millions of acres otherwise retained by Indians in what were to become "unratified" treaties of Indian land cession, as in California, nor other land areas authorized to be set aside for Indian Nations contracted by, but never benefitting from, their treaties. When the Congress, in 1887, under the General Allotment Act and other measures of the period and "single system of legislation", delegated treaty-assigned Presidential responsibilities to the Secretary of the Interior and his Commissioner of Indian Affairs and agents in the Bureau of Indian Affairs, relating to the government of Indian relations under the treaties for the 135 million acres, collectively held, immediately became subject to loss. The 1887 Act provided for the sale of "surplus" Indian lands — and contained a formula for the assignment or allocation of land tracts to Indian individuals, dependent partly on family size, which would have allowed an average-sized allotment of 135 acres to *one million Indians* — at a time when the number of tribally-related Indians was less than a quarter million or fewer than 200,000. The Interior Department efficiently managed the loss of 100-million acres of Indian land, and its transfer to non-Indian ownership (frequently by homestead, not direct purchase—, in little more than the next quarter century. When Congress prohibited further allotments to Indian individuals, by its 1934 Indian Reorganization Act, it effectively determined that future generations of Indian people would be "landless Indians" except by heirship and inheritance. (110-million acres, including 40-million acres in Alaska, would approximate an average 135 acres multiplied by .8 million Native Americans, a number indicated by the 1970 U.S. Census.

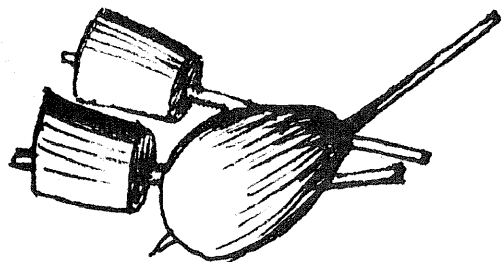
Simple justice would seem to demand that priorities in restorations of land bases be granted to those Indian Nations who are landless by fault of unratified or unfulfilled treaty provisions; Indian Nations, landless because of congressional and administrative actions reflective of criminal abuse of trust responsibilities; and other groupings of landless Indians, particularly of the landless generations, including many urban Indians and non-reservation Indian people — many of whom have been forced to pay, in forms of deprivation, loss of

rights and entitlements, and other extreme costs upon their lives, an "emigration-migration-education-training" tax for their unfulfilled pursuit of opportunity in America — a "tax" as unwarranted and unjustified as it is unprecedented in the history of human rights in mature nations possessed of a modern conscience.

10b. Consolidation of Indians' Land, Water, Natural and Economic Resources: The restoration of an equitable Native American Land Base should be accompanied by enlightened revision in the present character of alleged "trust relationships and by reaffirmation of the creative and positive characters of Indian sovereignty and sovereign rights. The past pattern of treating "trust status" as wrongful "non-ownership" of properties, beyond control of individual interests and "owners", could be converted to a beneficial method of consolidating useable land, water, forests, fisheries, and other exploitable and renewable natural resources into productive economic, cultural, or other community-purpose units, benefiting both individual and tribal interests in direct forms under autonomous control of properly-defined, appropriate levels of Indian government. For example, the 13.5 million acres of multiple and fractionated heirship lands should not represent a collective denial of beneficial ownership and interests of inheriting individuals, but be considered for plans of collective and consolidated use. (The alternatives and complexities of this subject and its discussion require the issuance of a separate essay at a later date.)

10c. Termination of Leases and Condemnation of Non-Indian Land Title: Most short-term and long-term leases of some four million acres of Indians' agricultural and industrial-use lands represent a constant pattern of mismanagement of trust responsibilities — with the federal trustees knowingly and wilfully administering properties in methods and terms which are adverse or inimical to the interests of the Indian beneficiaries and their tribes. Non-Indians have benefit of the best of Indian agricultural range and dry farm lands, and of some irrigation systems, generally having the lowest investment/highest return ratios, while Indians are relegated to lands requiring high investments/low returns. A large-scale, if selective, program of lease cancellations and non-renewals should be instituted under Congressional authorization as quickly as possible. As well, Indian Tribes should be authorized to re-secure Indian ownership of alienated lands within reservation boundaries under a system of condemnation for national policy purposes, with the federal government bearing the basic costs of "just compensation" as burden for unjustified betrayals of its trust responsibilities to Indian people. These actions would no way be as extreme as the termination, nationalization, confiscation and sale of millions of acres of reservation land by a single measure as in the cases of the Menominee and Klamath Indian Tribes, and attempted repeatedly with the Colvilles.

10d. Repeal of the Menominee, Klamath, and Other Termination Acts: The Congress should act immediately to repeal the Termination Acts of the 1950s and 1960s and restore ownership of the several million acres of land to the Indian people involved, perpetually non-alienable and tax-exempt. The Indians' rights to autonomous self-government and sovereign control of their resources and development should be reinstated. Repeal of the terminal legislation would also advance a commitment towards a collective 110-million acre land base for Native Americans — when added to the near 55-million acres already held by Indians, apart from the additional 40-million acres allocated in Alaska. (The impact of termination and its various forms have never been understood fully by the American people, the Congress, and many Indian people. Few wars between nations have ever accomplished as much as the total dispossession of a people of their rights and resources as have the total victories and total surrenders legislated by the Termination Laws. If the Arab States of present Mid-East could comparably presume the same authority over the State of Israel, they could eliminate Israel by the purchase or by declaring it an Arab State or subdivision thereof; on the one hand, evicting the Israelis from the newly-acquired Arab lands, or on the other, allowing the Israelis to remain as part of the larger Arab Nation and justify the disposition to the world by the claim that, whether leaving or remaining, but without their nation, the Jewish people would still be Jewish. Such an unacceptable outrage to American people would quickly succeed to World War III — except when such actions are factually taken against Menominees, Klamaths, Senecas, Utes, and threatened against many other landed nations of Indian people.)



11. Revision of 25 U.S.C. 163; Restoration of Rights to Indians Terminated by Enrollment and Revocation of Prohibitions Against "Dual Benefits": The Congress should enact measures fully in support of the doctrine that an Indian Nation has complete power to govern and control its own membership — but eradicating the extortive and coercive devices in federal policy and programming which have subverted and denied the natural human relationships and natural development of Indian communities, and committed countless injuries upon Indian families and individuals. The general prohibition against benefitting dually from federal assistances or tribal resources by having membership or maintaining relationships in more than one Indian Tribe has frequently resulted in denial of rights and benefits from any sources. Blood quantum criteria, closed and restrictive enrollment, and "dual benefits prohibitions" have generated minimal problems for Indians having successive non-Indian parentage involved in their ancestry — while creating vast problems and complexities for full-blood and predominant-Indian-blood persons, when ancestry or current relationships involve two separate Indian tribes, or more. Full-blood Indians can fail to qualify for membership in any of several tribes to which they may be directly related if quantum-relationships happen to be in wrong configuration, or non-qualifying fractions. Families have been divided to be partly included upon enrollments, while some children of the same parents are wrongly (if there are at all to be enrollments) excluded. There should be a restoration of Indian and tribal rights to all individual Indians who have been victimized and deprived by the vicious forms of termination effected by forced choices between multiply-related Tribes, abusive application of blood-quantum criteria, and federally-engineered and federally-approved enrollments. The right of Indian persons to maintain, sever, or resume valid relations with several Indian Nations or communities unto which they are born, or acquire relationships through natural marriage relations or parenthood and other customary forms, must again be recognized under law and practice and also the right of Indian Nations to receive other Indian people into relations with them — or to maintain relations with all their own people, without regard to blood-quantum criteria and federal standards for exclusion or restrictions upon benefits. (It may be recognized that the general Indian leadership has become conditioned to accept and give application to these forms of terminating rights, patterns which are an atrocious aberration from any concepts of Indian justice and sovereignty.)



12. Repeal of State Laws Enacted under Public Law 280 (1953): State enactments under the authority conferred by the Congress in Public Law 280 has posed the most serious threat to Indian sovereignty and local self-government of any measure in recent decades. Congress must now nullify those State statutes. Represented as a "law enforcement" measure, PL280 robs Indian communities of the core of their governing authority and operates to convert reservation areas into refuges from responsibilities, where many people, not restricted by race, can take full advantage of a veritable vacuum of controlling law, or law which commands its first respect for justice by encouraging an absence of offenses. These States' acceptance of condition for their own statehood in their Enabling Acts — that they forever disclaim sovereignty and jurisdiction over Indian lands and Indian people — should be binding upon them and that restrictive condition upon their sovereignty be reinstated. They should not be permitted further to gain from the conflict of interest engaged by such States' participation in enactment of Public Law 280 — at the expense of the future of Indian people in their own communities, as well as our present welfare and well-being.



13. Resume Federal Protective Jurisdiction for Offenses Against Indians: The Congress should enact, the Administration support and seek passage of, new provisions under Titles 18 and 25 of the U.S. Code, which shall extend the protective jurisdiction of the United States over Indian persons wherever situated in its territory and the territory of the several States, outside of Indian Reservations or Country, and provide the prescribed offenses of violence against Indian persons shall be federal crimes, punishable by prescribed penalties through prosecutions in the federal judiciary, and enforced in arrest actions by the Federal Bureau of Investigation, U.S. Marshals, and other commissioned police agents of the United States — who shall be compelled to act upon the commission of such crimes, and upon any written complaint or sworn request alleging an offense, which by itself would be deemed probable cause for arresting actions.

13a. Establishment of a National Federal Indian Grand Jury: The Congress should establish a special national grand jury, consisting solely of Indian members selected in part by the President and in part by Indian people, having a continuous life and equipped with its own investigative and legal staff, and presided over by competent judicial officers, while vested with prescribed authorities of indictments to be prosecuted in the federal and Indian court systems. This grand jury should

be granted jurisdiction to act in the bringing of indictments on basis of evidence and probable cause within any federal judicial district where a crime of violence has been committed against an Indian and resulted in an Indian's death, or resulted in bodily injury and involved lethal weapons or aggressive force, when finding reason to be not satisfied with handling or disposition of a case or incident by local authorities, and operating consistent with federal constitutional standards respecting rights of an accused. More broadly and generally, the grand jury should be granted broad authority to monitor the enforcements of law under Titles 18, 25, and 42, respecting Indian jurisdiction and civil rights protections; the administration of law enforcement; confinement facilities and juvenile detention centers, and judicial systems in Indian country; corrupt practices or violations of law in the administration of federal Indian agencies or of federally-funded programs for Indian people — including administration by tribal officials or tribal governmental units — and federal employees; and issue special reports bringing indictments when warranted, directed toward elimination of wrong-doing, wrongful administration or practices; and improvements recommendations for systems to ensure proper services and benefits to communities, or Indian people.

13b. Jurisdiction over Non-Indians Within Indian Reservations: The Congress should eliminate the immunity of non-Indians to the general application of law and law enforcement within Reservation Boundaries, without regard to land or property title. Title 18 of the U.S. Code should be amended to clarify and compel that all persons within the originally-established boundaries of an Indian Reservation are subject to the laws of the sovereign Indian Nation in the exercise of its autonomous governing authority. A system of concurrent jurisdiction should be minimum requirement in incorporated towns.

13c. Accelerated Rehabilitation and Release Program for State and Federal Indian Prisoners: The Administration should immediately contract an appropriately staffed Commission of Review on Rehabilitation of Indian Prisoners in Federal and State Institutions, funded from Safe Streets and Crime Control funds, or discretionary funds under control of the President, and consisting of Indian membership. The review commission would conduct census and survey of all Indian prisoners presently confined, compile information on records of offenses, sentences, actions of committing jurisdictions (courts, police, pre-sentence reports, probation and parole systems) and related pertinent data. The basic objective of the review commission would be to arrange for the development of new systems of community treatment centers or national/regional rehabilitation centers as alternatives to existing prison situations; to work with Bureau of Prison and federal parole systems to arrange for accelerated rehabilitation and release programs as justified, and to give major attention to the reduction of offenses and recidivism in Indian communities. The commission would act to provide forms by which Indian people may assume the largest measures of responsibility in reversing the rapidly increasing crime rates on Indian reservations, and re-approaching situations where needs for jails and prisoner institutions may again be virtually eliminated. The Congress should provide appropriate authorizations in support of such effort — perhaps extending the protective jurisdiction of the United States over Indians in State institutions, to provide for transfer to Indian-operated rehabilitation and treatment centers, at least probation systems, in a bargain of responsibility for bringing about vast reduction in incidences of offenses among Indian communities. (The \$8,000,000 BIA budget for Law and Order is not directed toward such purpose — spending nearly half of its present increases on new cars to gauge the increases in reported offenses.)

(Note on 13 - 13c: The U.S. has asserted its jurisdiction over Indians nationwide, and may now do so again protectively. The Congress controlled liquor sales to Indians nationally until 1953, allowing prosecution for non-Indian offenders. Education of Indians in public state schools is essentially a contracting of jurisdiction to States.)



14. Abolition of the Bureau of Indian Affairs by 1976: A New Structure: The Congress working through the proposed Senate-House "Joint Committee on Reconstruction of Indian Relations and Programs", in formulation of an Indian Community Reconstruction Act, should direct that the Bureau of Indian Affairs shall be abolished as an agency on or before July 4, 1976; to provide for an alternative structure of government for sustaining and revitalizing the Indian-federal relationship between the President and the Congress of the United States, respectively, and the respective Indian Nations and Indian people at last consistent with constitutional criteria, national treaty commitments, and Indian sovereignty, and provide for transformation and transition into the new system as rapidly as possible prior to abolition of the BIA.



15. Creation of an "Office of Federal Indian Relations and Community Reconstruction": The Bureau of Indian Affairs should be replaced by a new unit in the federal government which represents an equality of responsibility among and between the President, the Congress, and the Governments of the separate Indian Nations (or their respective people collectively), and equal standing in the control of relations between the Federal Government and Indian Nations. The following standards and conditions should be obtained:

A. The Office would structurally be placed in the Executive Offices of the President, but be directed by a tri-partite Commission of three Commissioners; one being appointed by the President, one being appointed by the joint congressional committee, and one being selected by national election among Indian people, and all three requiring confirmation by the U.S. Senate.

B. The Office would be directly responsible to each the President, the Congress, and Indian people, represented by a newly-established National Indian Council of no more than twenty members selected by combination national and regional elections, for two-year terms, with half expiring each year.

C. All existing federal agencies and program units presently involved or primarily directed toward serving Indians would be consolidated under the new office, together with the budget allocations of the Departments assisting Indians although primarily oriented toward other concerns. All programs would be reviewed for revision of form, or elimination altogether, or continuance.

D. A total personnel and employee structure ceiling of no more than 1,000 employees in all categories should be placed upon the new office for its first five years of operation. Employment in the new office would be exempt from Civil Service regulations and provisions. (The Civil Service Commission and federal employee unions should be requested to propose a plan for preference hiring in other agencies and for transfer of benefits to new employment, for presentation to Congress, incident to abolition of the BIA and other Indian-related federal programs.)

E. The Office would maintain responsibility over its own budget and planning functions, independent from any control by the Office of Management and Budget (OMB), and should be authorized a \$15,000,000,000 budget, reviewing the efficiency of the Office and the impact and progress of the programming. The Appropriations Committees should not impose undue interferences in plans — but should insist upon equitable treatment of all Indian Nations and general Indian people who would not be denied their respective direct relations with the Congress, or with the President.

G. The office of Federal Indian Relations would assume the administrative responsibility as trustee of Indian properties and property rights, until revision of the trust responsibility might be accomplished and delegated for administration as a function and expression of the sovereign authority of the respective Indian Nations.



16. Priorities and Purpose of the Proposed New Office: The central purpose of the proposed "Office of Federal Indian Relations and Community Reconstruction" is to remedy the break-down in constitutionally-prescribed relationships between the United States and Indian Nations and people and to alleviate the destructive impact that distortion in those relationships has rendered upon the lives of Indian people. More directly, it is proposed for allowing broad attacks upon the multiple or millions of problems which confront Indian lives, or consume them, and which cannot be eliminated by piece-meal approaches, jerry-built structures, or bureaucracies or by taking on one problem at a time, always to be confronted by many more. The Congress with assent of the Courts, has developed its constitutional mandate to "regulate Indian commerce" into a doctrine of absolute control and total power over the lives of Indians — through failing to give these concerns the time and attention that the responsibilities of such power demand. The Congress restricted the highest authority of the President for dealing with Indian matters and affairs, then abandoned Indian people to the lowest levels of bureaucratic government for administration of its part-time care and asserted all-powerful control. The constitution maintained Indian people in citizenship and allegiance to our own Nations, but the Congress and the Bureau of Indian Affairs has converted this constitutional standard into the most bastardized forms of acknowledged autonomy and "sovereign self-governing control" — scarcely worthy of the terms, if remaining divested of their meaning. A central priority of the proposed Office should be the formulation of legislation designed to repeal the body of "Indian Law" that continues to operate most harmfully against Indian communities — including sections of the 1934 Indian Reorganization Act and prior legislation which instituted foreign forms of government upon our Nations, or which have served to divorce tribal govern-

ment from responsibilities and accountability to Indian people.

At this point in time, there is demonstrable need for the Congress to exercise highest responsibilities to Indian people in order that we might have a future in our homeland. This requires that Congress now recognize some restrictions upon its own authority to intervene in Indian communities and act to totally exclude the exercise of local tribal sovereignty and self-governing control. The proposed Office of Federal Indian Relations and Community Reconstruction should be authorized the greatest latitude to act and to remove restrictions from the positive actions of Indian people. This can be achieved if the Congress establishes a new Office in the manner proposed, and authorizes it in promising degree to operate as instrumentality of its responsibilities.



17. Indian Commerce and Tax Immunities: The Congress should enact a statute or Joint Resolution certifying that trade, commerce, and transportation of Indians remain wholly outside the authority, control, and regulation of the several States. Congressional acts should provide that complete taxing authority upon properties, use of properties and incomes derived therefrom, and business activities within the exterior boundaries of Indian reservations, as well as commerce between reservations and Indian Nations, shall be vested with the respective or related tribal governments, or their appropriate subdivisions — or certify that, consistent with the Fourteenth Amendment, Section 2 statehood enabling acts, prevailing treaty commitments, and the general policy of the United States, that total Indian immunity to taxing authority of states is reaffirmed and extended with uniformity to all Indian Nations as a matter/established or vested right. (These questions should not have to be constantly carried to the courts for reaffirmation — disregarded as general law, and attacked by challenge with every discernable variation or difference in fact not considered at a prior trial.) (Tribes have been restricted in their taxing authorities by some of the same laws which exclude federal or state authority. However, there are areas where taxing authorities might be used beneficially in the generation of revenues for financing government functions, services, and community institutions.) (The Congress should remove any obstacles to the rights of Indian people to travel freely between Indian Nations without being blocked in movement, commerce, or trade, by barriers of borders, customs, duties, or tax.)



18. Protection of Indians' Religious Freedom and Cultural Integrity: The Congress shall proclaim its insistence that the religious freedom and cultural integrity of Indian people shall be respected and protected throughout the United States, and provide that Indian religion and culture, even in regenerating or renaissance or developing stages, or when manifested in the personal character and treatment of one's own body, shall not be interfered with, disrespected, or denied. (No Indian shall be forced to cut their hair by any institution or public agency or official, including military authorities or prison regulation, for example.) It should be an insistence by Congress that implies strict penalty for its violation.



19. National Referendums, Local Options, and Forms of Indian Organization: The Indian population is small enough to be amenable to voting and elective processes of national referendums, local option referendums, and other elections for rendering decisions, approvals, or disapprovals on many issues and matters. The steady proliferation of Indian and Indian-interest organizations and Indian advisory boards and the like, the multiplication of Indian officials and the emergence of countless Indian "leaders", represent a less preferable form for decision-making, a state of disorganization, and a clear reflection of deterioration in the relations between the United States and Indian people as contracting sovereigns holding a high standard of accountability and responsibility. Some Indians seem to stand by to ratify any viewpoints relating to any or all Indians; others conditioned to accept any viewpoint or proposal from official source. Whereas Indian people were to be secure from political manipulation and the general political system in the service of Indian needs, political favor, and cutthroat competition for funds with grants made among limited alliances of agency-Indian friends have become the rule — while responsibilities and accountability to Indian people and Indian communities have been forgotten. While the treaty relationship allows that we should not be deprived by power what we are possessed of by right — little personal power and political games are being played by a few Indians while we are being deprived our rights. This dissipation of strength, energies, and commitment should end. We should consolidate our resources and purpose to restore relations born of sovereignty and to resume command of our communities, our rights, our resources, and our destiny. (The National Council on Indian Opportunity,

Association on American Indian Affairs, and the National Tribal Chairmen Association are examples of government, non-Indian directed, and Indian organizations which are among many which could and should be eliminated.) (At least, none should be funded from federal sources.)



20. Health, Housing, Employment, Economic Development, and Education: The Congress and Administration and proposed Indian Community Reconstruction Office must allow for the most creative, if demanding, and disciplined, forms of community development and purposeful initiatives. The proposed \$15,000,000,000 budget for the 1970s remainder could provide for completed construction of 100,000 new housing units; create more than 100,000 new permanent, income and tribal revenue-producing jobs on reservations and lay foundation for as many more in years following; meet all the economic and industrial development needs of numerous communities; and make education at all levels and provide health services or medical care to all Indians as a matter of entitlement and fulfilled right. Yet, we now find most Indians unserved and programs not keeping pace with growing problems under a billion dollars-plus budget annually — approximately a service cost of \$10,000 per reservation Indian family per year, or \$100,000 in this decade. Our fight is not over a \$50-million cutback in a mismanaged and misdirected budget, and cannot be ended with restoration of that then invisible amount — but over the part that it, any and all amounts, have come to play in a perennial billion-dollar indignity upon the lives of Indian people, our aged, our young, our parents, and our children. Death remains a standard cure for environmentally-induced diseases afflicting many Indian children without adequate housing facilities, heating systems, and pure water sources. Their delicate bodies provide their only defense and protection — and too often their own body processes become allies to the quickening of their deaths, as with numerous cases of dysentery and diarrhea. Still, more has been spent on hotel bills for Indian-related problem-solving meetings, conferences, and conventions, than has been spent on needed housing in recent years. More is being spent from federal and tribal fund sources on such decision-making activities than is being committed to assist but two-thirds of Indian college students having desperate financial need. Rather, few decisions are made, and less problems solved, because there has developed an insensitivity to conscience which has eliminated basic standards of accountability. Indian communities have become fragmented in governmental, social, and constitutional functions as they have become restructured or destructed to accommodate the fragmentation in governmental programming and contradictions in federal policies. There is a need to reintegrate these functions into the life and fabric of the communities.

Of treaty provisions standard to most treaties, none has been breached more viciously and often as those dealing with education — first by withdrawing education processes from jurisdiction and responsibility of Indian communities, and from the powers of Indian self-government — and failing yet to restore authority to our people, except through increased funding of old advisory and contract-delegation laws, or through control to conduct school in the conditioned forms and systems devised by non-Indians, or otherwise commended by current popularity. At minimum, Indian Nations have to reclaim community education authority to allow creative education processes in forms of their free choice, in a system of federally-sanctioned unit or consolidated Indian districts, supported by a mandatory recognition of accreditation in all other systems in this land.



**WHY WOUNDED KNEE?
COORDINATION AND INFORMATION COMMITTEE
P.O. Box 19096
Diamond Lake Station
Minneapolis, Minnesota 55419**

Wounded Knee

THE LONGEST WAR: 1890 - 1973

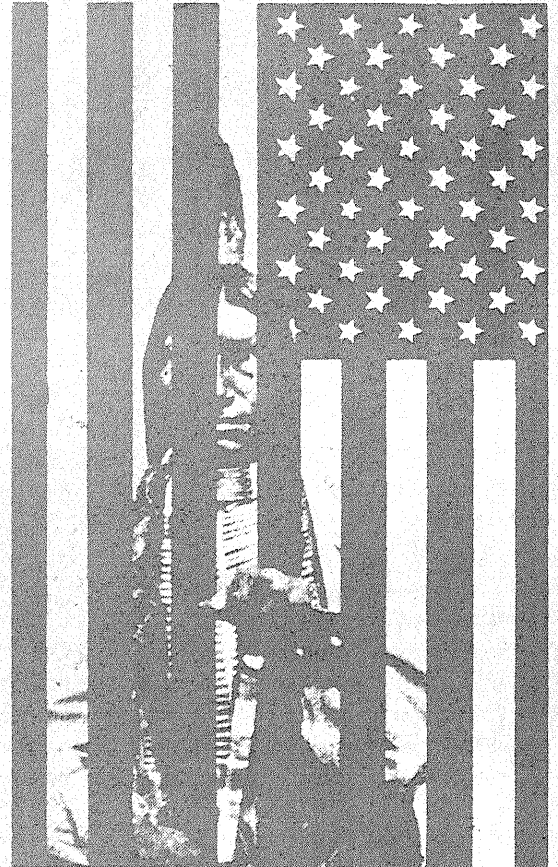
The longest war that the United States government has ever waged has been against the American Indians. The war has never ceased. In 1890 federal troops massacred 300 unarmed Indians at Wounded Knee, South Dakota. In 1973 the government again mustered its forces against the Indian people of the Pine Ridge Reservation who had gathered at Wounded Knee to protest the continuing injustices to their people and the government's violation of their treaty rights under the 1868 Treaty.

On February 27, within hours of calling for aid from the American Indian Movement, members of the Oglala Sioux Civil Rights Organization and its supporters were surrounded. Police set up roadblocks, cordoned off the area and began arresting people leaving Wounded Knee. The Oglala People prepared to defend themselves against government aggression - once again.

Under Heavy fire from government troops and local vigilantes, the Oglala people liberated the village for 71 days - from February 27 to May 8 - establishing the Independent Oglala Nation. Two Indian men, Buddy Lamont and Frank Clearwater, were killed in the fight for their treaty rights.

Like its history of broken treaties, the government failed to honor the agreements ending the liberation of Wounded Knee signed on April 5 and May 5. The liberators asked for, and the Wounded Knee trials support, three basic demands:

1. A treaty commission (Senate Committee on Foreign Affairs) should examine the 371 treaties the United States has made - and broken - with Indian people. Rights should be enforced by law. The Oglala people should receive control of their reservation, as spelled out in the Treaty of 1868.
2. Repeal of the Indian Reorganization Act of 1934, a major weapon in robbing Indians of their treaty-guaranteed reservation lands, and a means of setting up white-controlled puppet governments. On Pine Ridge, hold new elections with impartial observers protecting against violence and fraud in the election.
3. Remove the Bureau of Indian Affairs from the U.S. Department of Interior - its oil/mineral/park interests conflict with Indian interests - and make the BIA an independent agency. On Pine Ridge, there should be an independent investigation of the BIA's handling of Indian affairs, and an independent audit of the tribe's books and land rent records.



I WILL STAND WITH MY BROTHERS AND SISTERS. I WILL TELL THE TRUTH ABOUT WHY WE WENT TO WOUNDED KNEE. I WILL FIGHT FOR MY PEOPLE. I WILL LIVE FOR THEM. AND IF IT IS NECESSARY TO STOP THE TERRIBLE THINGS THAT HAPPEN TO INDIANS ON PINE RIDGE INDIAN RESERVATION, I AM READY TO DIE FOR THEM.

--Pedro Bissonette, Wounded Knee liberator and social activist on Pine Ridge Reservation; killed by Bureau of Indian Affairs police on October 17, 1973, Pine Ridge, S. Dakota.

— 24 PEOPLE STILL AWAIT TRIAL — SUPPORT THEIR LEGAL DEFENSE FUND

Fund Raising-

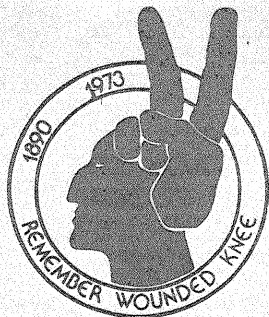
Contact people in your community who might be willing to offer financial support in lump sums or monthly pledges.

Publicity-

Write to local and national media asking for fair and detailed coverage of these trials and other Native American struggles. Distribute literature and circulate petitions. (more information available from Wounded Knee Support Committee-MSU, student offices, Union Bldg).

Donations-

The government has already spent millions of dollars on prosecution, while the defense exists on the brink of insolvency dependent on contributions from concerned individuals. Contributions go toward maintaining 3 legal offices, and paying for room and board expenses of volunteer lawyers. The legal defense is in urgent need of funds at the present time--funds that are necessary to ensure an adequate legal counsel for the remaining 24 people who still have to stand trial for demonstrating at Wounded Knee 1973. (In addition to these cases, the legal defense is representing 30 other Native Americans who participated in other Wounded Knee-related protests occurring in Custer and Sioux Falls, S. Dakota.) Please send your donation to help balance the scales of justice.



WOUNDED KNEE LEGAL DEFENSE/OFFENSE COMMITTEE

P.O. BOX 918 COUNCIL BLUFFS, IOWA 51501

_____ ENCLOSED IS MY DONATION OF \$ _____ FOR THE DEFENSE.

_____ PLEASE PUT ME ON THE NEWSLETTER MAILING LIST.
(ENCLOSE ATLEAST \$1.00 TO COVER COSTS).

NAME _____ PHONE _____

ADDRESS _____

WOUNDED KNEE SUPPORT COMMITTEE - MSU

(Please pass along this form to a friend if you do not use it)





PEDRO BISSONETTE

VICE PRESIDENT OF OGLALA SIOUX CIVIL RIGHTS ORGANIZATION
COMMITTED TO THE LIBERATION OF ALL INDIAN PEOPLES
MURDERED BY BIA POLICE, OCTOBER 17, 1973

DEDICATION

To Buddy Lamont, Frank Clearwater, Clarence Cross, Pedro
Bissonette and to all the efforts and lives given in struggle
for the Indian people, their children and their unborn.

WOUNDED KNEE 1973

The Indian peoples who have tried to function through the White man's system since the Indian Reorganization Act of 1934, who have seen their land taken away and their hopes destroyed, saw the first real effort in years to regain power over their lives in the liberation of Wounded Knee.

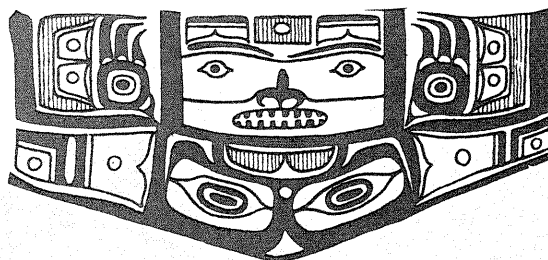
Hundreds of Indians representing more than 75 different tribes, supported the just demands of the Oglala Sioux people on Pine Ridge reservation at the risk of their lives and their freedom. The Sioux, like every Indian tribe in the country have ceded land to the U.S. Government; and in payment for that land the U.S. Government is supposed to provide us with certain goods and services. They don't do it. Instead of providing services, they provide tyranny.

At Wounded Knee, we finally said, "The hell with that. You are going to honor your treaty with us from now on and we are going to force you to do that because if you don't, you will have to kill us." That was the point of Wounded Knee.

We have a treaty that is 105 years old and for 105 years it has been continually violated. It is time for the United States to live up to its pledges to the Indians. The United States has signed 371 treaties with Indian peoples and the result of these treaties is that our water has been stolen, our minerals have been stolen, and our land has been stolen. All this must be paid for retroactively and in perpetuity.

We are the landlords of this country and at Wounded Knee we showed up to collect. These treaties supersede any state laws and, in fact, prevail over federal law. If the country is going to live up to its constitution, then in fact it must live up to its treaty commitments. We still have to go to court to ascertain our treaty rights. Once again we have to rely on the White Man and wait for him to give us the right we already have. If he goes against his constitution and convicts us, we will prove to the world that this is really a police state instead of a free country. The Wounded Knee trials are the most important of the century. They will expose how America practices its founding philosophy.

--Statement by the American Indian Movement, November 1973





STATEMENT BY LAKOTA WOMAN WHO PARTICIPATED IN LIBERATION OF WOUNDED KNEE

The longest war that the United States government has ever waged has been against the American Indians. The war has never ceased. In the year 1973, from February 27 to May 8 there was the Independent Oglala Nation, established within the boundaries of the State of South Dakota, United States of America. No United States officials had any power within the borders of this new nation. No taxes were paid to any level of the United States government. This tiny piece of land was surrounded by United States troops, armored personnel carriers, helicopters, a daily barrage of bullets, a blockage of all medical and food supplies. No services were supplied by any governmental agency other than that created by the Oglala people in their own independent nation.

For the first time in many years, the Oglala people could organize themselves according to their ancient spiritual values and ways of life--the Indian Way. The life of the Indian people is their spirituality. We were free! It was the first time that we had ever known freedom. We ran a hospital, a school for our children, we had a common commissary, we ran our own security force to enforce our borders. People got married, babies were born in a free land. For 71 days there was power in the hands of the Indian people. Men and women stood side by side in the kitchen, in the bunkers, on patrol, in the hospital and in the schools, and at the constant negotiations with the United States government. The governing body of the Oglala Independent Nation consisted of every resident.



TREATY WITH THE SIOUX—BRULÉ, OGLALA, MINICONJOU,
YANKTONAI, HUNKPAPA, BLACKFEET, CUTHEAD, TWO KETTLE,
SANS ARCS, AND SANTEE—AND ARAPAHO, 1868.

Apr. 29, 1868.

15 stats., 635.
Ratified, Feb. 16,
1869.
Proclaimed, Feb. 21,
1869.

Articles of a treaty made and concluded by and between Lieutenant-General William T. Sherman, General William S. Harney, General Alfred H. Terry, General C. C. Augur, J. B. Henderson, Nathaniel G. Taylor, John B. Sanborn, and Samuel F. Tappan, duly appointed commissioners on the part of the United States, and the different bands of the Sioux Nation of Indians, by their chiefs and head-men, whose names are hereto subscribed, they being duly authorized to act in the premises.

War to cease and
peace to be kept.

ARTICLE 1. From this day forward all war between the parties to this agreement shall forever cease. The Government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they now pledge their honor to maintain it.

Offenders against
the Indians to be ar-
rested, etc.

If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington City, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also re-imburse the injured person for the loss sustained.

Wrongdoers against
the whites to be pun-
ished.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States, and at peace therewith, the Indians herein named solemnly agree that they will, upon proof made to their agent and notice by him, deliver up the wrong-doer to the United States, to be tried and punished according to its laws; and in case they wilfully refuse so to do, the person injured shall be re-imbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States. And the President, on advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as in his judgment may be proper. But no one sustaining loss while violating the provisions of this treaty or the laws of the United States shall be re-imbursed therefor.

Damages.

Reservation bound-
aries.

ARTICLE 2. The United States agrees that the following district of country, to wit, viz: commencing on the east bank of the Missouri River where the forty-sixth parallel of north latitude crosses the same, thence along low-water mark down said east bank to a point opposite where the northern line of the State of Nebraska strikes the river, thence west across said river, and along the northern line of Nebraska to the one hundred and fourth degree of longitude west from Greenwich, thence north on said meridian to a point where the forty-sixth parallel of north latitude intercepts the same, thence due east along said parallel to the place of beginning; and in addition thereto, all existing reservations on the east bank of said river shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them; and the United States now solemnly agrees that no persons except those herein designated and authorized so to do, and except such officers, agents, and employes of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, or in such territory as may be added to this reservation for the use of said Indians, and henceforth they will and do hereby relinquish all claims or right in and to any portion of the United States, or Territories, except such as is embraced within the limits aforesaid, and except as hereinafter provided.

Certain persons not
to enter or reside
thereon.

ARTICLE 3. If it should appear from actual survey or other satisfactory examination of said tract of land that it contains less than one hundred and sixty acres of tillable land for each person who, at the time, may be authorized to reside on it under the provisions of this treaty, and a very considerable number of such persons shall be disposed to commence cultivating the soil as farmers, the United States agrees to set apart, for the use of said Indians, as herein provided,

Additional arable
land to be added, if,
etc.

such additional quantity of arable land, adjoining to said reservation, or as near to the same as it can be obtained, as may be required to provide the necessary amount.

ARTICLE 4. The United States agrees, at its own proper expense, to construct at some place on the Missouri River, near the center of said reservation, where timber and water may be convenient, the following buildings, to wit: a warehouse, a store-room for the use of the agent in storing goods belonging to the Indians, to cost not less than twenty-five hundred dollars; an agency-building for the residence of the agent, to cost not exceeding three thousand dollars; a residence for the physician, to cost not more than three thousand dollars; and five other buildings, for a carpenter, farmer, blacksmith, miller, and engineer, each to cost not exceeding two thousand dollars; also a school-house or mission-building, so soon as a sufficient number of children can be induced by the agent to attend school, which shall not cost exceeding five thousand dollars.

Buildings on reservation.

The United States agrees further to cause to be erected on said reservation, near the other buildings herein authorized, a good steam circular-saw mill, with a grist-mill and shingle-machine attached to the same, to cost not exceeding eight thousand dollars.

ARTICLE 5. The United States agrees that the agent for said Indians shall in the future make his home at the agency-building; that he shall reside among them, and keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint by and against the Indians as may be presented for investigation under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined on him by law. In all cases of depredation on person or property he shall cause the evidence to be taken in writing and forwarded, together with his findings, to the Commissioner of Indian Affairs, whose decision, subject to the revision of the Secretary of the Interior, shall be binding on the parties to this treaty.

Agent's residence, office, and duties.

ARTICLE 6. If any individual belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservation, not exceeding three hundred and twenty acres in extent, which tract, when so selected, certified, and recorded in the "land-book," as herein directed, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.

Heads of families may select lands for farming.

Any person over eighteen years of age, not being the head of a family, may in like manner select and cause to be certified to him or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

Others may select land for cultivation.

For each tract of land so selected a certificate, containing a description thereof and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it, by the agent, after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Sioux Land Book."

Certificates.

The President may, at any time, order a survey of the reservation, and, when so surveyed, Congress shall provide for protecting the rights of said settlers in their improvements, and may fix the character of the title held by each. The United States may pass such laws on the subject of alienation and descent of property between the Indians and their descendants as may be thought proper. And it is further stipulated that any male Indians, over eighteen years of age, of any band or tribe that is or shall hereafter become a party to this treaty, who now is or who shall hereafter become a resident or occupant of any reservation or Territory not included in the tract of country designated and described in this treaty for the permanent home of the Indians, which is not mineral land, nor reserved by the United States for special purposes other than Indian occupation, and who shall have made improvements thereon of the value of two hundred dollars or more, and continuously occupied the same as a homestead for the term of three years, shall be entitled to receive from the United States a patent for one hundred and sixty acres of land including his said improvements, the same to be in the form of the legal subdivisions of the sur-

Surveys.

Alienation and descent of property.

annually appropriated for a period of thirty years, while such persons roam and hunt, and twenty dollars for each person who engages in farming, to be used by the Secretary of the Interior in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper. And if within the thirty years, at any time, it shall appear that the amount of money needed for clothing under this article can be appropriated to better uses for the Indians named herein, Congress may, by law, change the appropriation to other purposes; but in no event shall the amount of this appropriation be withdrawn or discontinued for the period named. And the President shall annually detail an officer of the Army to be present and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery. And it is hereby expressly stipulated that each Indian over the age of four years, who shall have removed to and settled permanently upon said reservation and complied with the stipulations of this treaty, shall be entitled to receive from the United States, for the period of four years after he shall have settled upon said reservation, one pound of meat and one pound of flour per day, provided the Indians cannot furnish their own subsistence at an earlier date. And it is further stipulated that the United States will furnish and deliver to each lodge of Indians or family of persons legally incorporated with them, who shall remove to the reservation herein described and commence farming, one good American cow, and one good well-broken pair of American oxen within sixty days after such lodge or family shall have so settled upon said reservation.

Appropriation to continue for thirty years.

Army officer to attend the delivery.

Meat and flour.

Cows and oxen.

Right to occupy territory outside of the reservation surrendered.

Right to hunt reserved.

Agreements as to railroads.

Emigrants, etc.

Women and children.

White men.

Pacific Railroad, wagon roads, etc.

Damages for cession of their reservation.

Military posts and roads.

No treaty for cession of reservation to be valid unless, etc.

ARTICLE 11. In consideration of the advantages and benefits conferred by this treaty, and the many pledges of friendship by the United States, the tribes who are parties to this agreement hereby stipulate that they will relinquish all right to occupy permanently the territory outside their reservation as herein defined, but yet reserve the right to hunt on any lands north of North Platte, and on the Republican Fork of the Smoky Hill River, so long as the buffalo may range thereon in such numbers as to justify the chase. And they, the said Indians, further expressly agree:

1st. That they will withdraw all opposition to the construction of the railroads now being built on the plains.

2d. That they will permit the peaceful construction of any railroad not passing over their reservation as herein defined.

3d. That they will not attack any persons at home, or travelling, nor molest or disturb any wagon-trains, coaches, mules, or cattle belonging to the people of the United States, or to persons friendly therewith.

4th. They will never capture, or carry off from the settlements, white women or children.

5th. They will never kill or scalp white men, nor attempt to do them harm.

6th. They withdraw all pretence of opposition to the construction of the railroad now being built along the Platte River and westward to the Pacific Ocean, and they will not in future object to the construction of railroads, wagon-roads, mail-stations, or other works of utility or necessity, which may be ordered or permitted by the laws of the United States. But should such roads or other works be constructed on the lands of their reservation, the Government will pay the tribe whatever amount of damage may be assessed by three disinterested commissioners to be appointed by the President for that purpose, one of said commissioners to be a chief or head-man of the tribe.

7th. They agree to withdraw all opposition to the military posts or roads now established south of the North Platte River, or that may be established, not in violation of treaties heretofore made or hereafter to be made with any of the Indian tribes.

ARTICLE 12. No treaty for the cession of any portion or part of the reservation herein described which may be held in common shall be of any validity or force as against the said Indians, unless executed and signed by at least three-fourths of all the adult male Indians, occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him, as provided in article 6 of this treaty.

ARTICLE 13. The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

United States to furnish physician, teachers, etc.

ARTICLE 14. It is agreed that the sum of five hundred dollars annually, for three years from date, shall be expended in presents to the ten persons of said tribe who in the judgment of the agent may grow the most valuable crops for the respective year.

Presents for crops.

ARTICLE 15. The Indians herein named agree that when the agency-house or other buildings shall be constructed on the reservation named, they will regard said reservation their permanent home, and they will make no permanent settlement elsewhere; but they shall have the right, subject to the conditions and modifications of this treaty, to hunt, as stipulated in Article 11 hereof.

Reservation to be permanent home of tribes.

ARTICLE 16. The United States hereby agrees and stipulates that the country north of the North Platte River and east of the summits of the Big Horn Mountains shall be held and considered to be unceded Indian territory, and also stipulates and agrees that no white person or persons shall be permitted to settle upon or occupy any portion of the same; or without the consent of the Indians first had and obtained, to pass through the same; and it is further agreed by the United States that within ninety days after the conclusion of peace with all the bands of the Sioux Nation, the military posts now established in the territory in this article named shall be abandoned, and that the road leading to them and by them to the settlements in the Territory of Montana shall be closed.

Unceded Indian territory.

Not to be occupied by whites, etc.

ARTICLE 17. It is hereby expressly understood and agreed by and between the respective parties to this treaty that the execution of this treaty and its ratification by the United States Senate shall have the effect, and shall be construed as abrogating and annulling all treaties and agreements heretofore entered into between the respective parties hereto, so far as such treaties and agreements obligate the United States to furnish and provide money, clothing, or other articles of property to such Indians and bands of Indians as become parties to this treaty, but no further.

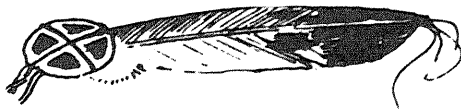
Effect of this treaty upon former treaties.

In testimony of all which, we, the said commissioners, and we, the chiefs and headmen of the Brulé band of the Sioux nation, have hereunto set our hands and seals at Fort Laramie, Dakota Territory, this twenty-ninth day of April, in the year one thousand eight hundred and sixty-eight.

N. G. Taylor, [SEAL.]
W. T. Sherman, [SEAL.]
Lieutenant-General.
Wm. S. Harney, [SEAL.]
Brevet Major-General U. S. Army.
John B. Sanborn, [SEAL.]
S. F. Tappan, [SEAL.]
C. C. Augur, [SEAL.]
Brevet Major-General.
Alfred H. Terry, [SEAL.]
Brevet Major-General U. S. Army.

Attest:

A. S. H. White, Secretary.



AGREEMENT -- MAY 5, 1973

(These are the combined written and verbal agreements of April 5 and May 5, 1973.)

TO EFFECT THE MAY 1973 MEETINGS BETWEEN WHITE HOUSE REPRESENTATIVES AND HEADMEN AND CHIEFS OF THE TETON SIOUX CONTEMPLATED IN THE APRIL 5, 1973 AGREEMENT BETWEEN THE PARTIES, IT IS AGREED THAT BOTH THE DISPOSSESSION OF ARMS OF THE OCCUPANTS OF WOUNDED KNEE AND THE END OF THE ARMED OCCUPATION OF WOUNDED KNEE WILL BE ACCOMPLISHED IN THE FOLLOWING MANNER:

--Starting at 7:00 A.M. , Wednesday, May 9, 1973 the Government will remove all its APC's (Army Personnel Carriers) from the Wounded Knee perimeter and put one chief or headman in each government bunker. The occupants of Wounded Knee will simultaneously evacuate all their bunkers, roadblocks, other fortifications and buildings, and assemble at the Tipi Chapel, where all weapons, ammunition, explosives and explosive devices will be turned over to the Community Relations Service. CRS will transport the weaponry to the old tipi site for examination by government officials. Those weapons which are both legal, and tagged in a manner identifying the owners, will be returned to the owners within 24 hours. All illegal weapons and untagged weapons will be seized. A list of all weapons shall be delivered through CRS to the government by 5:00 P.M., Sunday, May 6, 1973 so that the weapons turned over to the government on May 9, 1973 can be checked against the May 6, 1973 list. Nineteen CRS personnel are to be in Wounded Knee Tuesday and Wednesday.

--After CRS has turned all weapons over to government officials, the occupants of Wounded Knee will divide themselves into three groups for processing: Occupants with outstanding arrest warrants, followed by resident occupants present prior to February 26, 1973 and then all others.

Occupants with outstanding arrest warrants will submit to arrest and be taken to Rapid City as soon as arrangements can be made for prompt arraignment, and after dispossession of arms. Sufficient government personnel will be available for immediate court appearance. The government will make no bond or terms of release recommendations.

The government may photograph at the scene occupants against whom there are no outstanding arrest warrants (a dozen or so of whom may be subject to arrest despite the absence of a warrant). Either positive identification or fingerprints and current addresses may also be obtained.

No permanent residents will be interviewed at the time of the identification process but all nonpermanent residents and nonresidents may be interviewed and may consult with an attorney beforehand if desired.

--After those occupants who have been arrested are en route to Rapid City, and the "all other" group is en route from the Pine Ridge reservation, the permanent residents will be escorted to their homes by government officials and consent to a search, monitored by attorneys, for snipers, weapons, and other dangerous devices only with a minimum of inconvenience to the occupants. Any such snipers, weapons, and dangerous devices found will be removed. All subsequent searches if any will be conducted pursuant to court order.

--When the government is satisfied that Wounded Knee is safe for occupancy, government bunkers will be evacuated and covered over; Wounded Knee bunkers will be covered over by government officials; government roadblocks will be eliminated; and a residual force of marshals and FBI personnel will be stationed on the Pine Ridge Reservation to protect against further confrontations and the violation of individual rights, until such time as the situation within the Pine Ridge Reservation is sufficiently defused and stable. It is contemplated that the presence of a portion of this force will be required in Wounded Knee for a period of time subsequent to the end of the confrontation.

Lawful access to, from and within the Pine Ridge Reservation shall be resumed. No person engaged in lawful political activity in connection with reservation affairs shall be interfered with.

--The government agrees to mount an intensive investigation, not only in the Wounded Knee area, but throughout the Pine Ridge Reservation, in order to identify violations of federal criminal law which may have been, are being, or will be committed, on the Pine Ridge Reservation, including violations occurring under the color of law, or by abuse of any governing authority.

--The government agrees to an audit by an agency outside the Department of Interior of tribal funds and their utilization, of federal program funding provided to the Oglala Sioux and of police financing on the Pine Ridge Reservation. The results, including supportive data which can be appropriately revealed, will be made public.

--The Department of Justice, upon a proper factual and legal basis on authority of the Sioux Treaty and Agreements, and as specified in the Act of April 11, 1968 (Indian Bill of Rights), and in accordance with 25 U.S. Code 175, shall:

a. Consider, and where appropriate, prepare and institute civil suits to protect the personal, property, civil, political, and other legal rights of all individual Oglala Sioux Indians against unlawful uses or abuses by tribal governing authority;

b. Consider, and where appropriate, seek judicial restraint against the application of alleged Tribal Council actions, ordinances, resolutions, which have either been unlawfully or invalidly promulgated, or which would only be applied in violation of the rights of individual tribal members;

c. Consider, and where appropriate, seek judicial restraint against the application and enforcement of any actions of the Oglala Tribal court or judges, and of BIA or tribal police agencies, which would effect a deprivation of rights of individual Oglala Sioux members.

d. Nothing herein contained shall be construed as modifying the provisions of the aforementioned statutes and treaties.

LIKE THE 1868 TREATY WHICH THE LIBERATION OF WOUNDED KNEE SOUGHT TO UPHOLD, AND LIKE THE 371 OTHER TREATIES MADE BETWEEN THE U.S. GOVERNMENT AND THE INDIAN PEOPLE, THE WOUNDED KNEE AGREEMENTS SIGNED ON APRIL 5 AND AGAIN ON MAY 5 OF 1973 -- WERE IMMEDIATELY AND PERFUNCTORILY BROKEN.

Lawyers for the Wounded Knee Legal Defense/Offense Committee personally witnessed the disregard of the May 5 Agreement -- done in the spirit of a recent statement by South Dakota Senator George McGovern: "I think the treaties were abrogated by an act of Congress over 100 years ago and that it is ridiculous to talk about the Treaty of 1868 being carried out."

--Almost simultaneously with the signing of the Agreement, government personnel shot flares and tracers into the village, lighting the grass and sending smoke fumes into the tipi.

--The agreement that the attorneys would be present and supervise the stand-down was ignored until one of the defendants refused to leave the area without an attorney, precipitating a near crisis.

--The agreement that those arrested would be taken to Rapid City was initially violated by taking one group to the Pine Ridge jail, precipitating another crisis.

--The U.S. Attorney has repeatedly violated the promise not to make bond recommendations, and instead has recommended and fought for outrageously high bonds.

--The agreement provided that permanent residents would be "escorted to their homes by government officials", and that a "search...monitored by attorneys" would be conducted "with minimum inconvenience to the occupants". This agreement was broken immediately and totally by the government. The residents were not permitted to return to their homes escorted or otherwise. The search was conducted without the presence of attorneys, who demanded and were refused the right to be present, and without the presence of the residents. Far from being at a "minimum of inconvenience, the search actually was an excuse for massive destruction of

