

Sioux Nation Treaty Council
established in 1894

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**An Alternative Report in response to
the Combined tenth to twelfth periodic reports
submitted by the United States of America (USA)
under article 9 of the Convention due in 2017**

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Summary:

The Sioux Nation is an Indigenous Nation in the middle of North America. In 1894, after facing near annihilation at the hands of the United States, the Sioux Nation Treaty Council was established to fight for the enforcement of all the Articles in the 1868 Fort Laramie Treaty. The people of the Sioux Nation have endured nearly 150 years of racist treatment from the United States within the Treaty Territory. The 1894 Treaty Council has been approaching the United Nations for forty years continuing the quest for liberation and freedom through the enforcement of the 1868 Treaty. The Treaty Council is presenting this Report as the International Covenant on the Elimination of Racial Discrimination, and Article 48/7 of the UN Human Rights Council which was approved in Oct. 2021 advocate for the end of colonization of Indigenous nations.

Introduction:

The Sioux Nation Treaty Council was established in 1894 to keep alive the nationhood of the Great Sioux Nation, a Native American Indian nation, after the United States, in violation of the Fort Laramie Treaty of 1868, began an organized and systematic invasion and colonization of the Sioux people living in the 1868 Treaty Territory. (See Addendum No 1: The Fort Laramie Treaty of 1868, and Addendum No. 2: 1868 Treaty Territory Map)

According to a Memorandum Opinion by William J. Bielecki, Sr. on Tribal Inherent Powers dated 5 October, 2008, pages 7 and 8, Mr. Bielecki states:

“Various historians has (sp) determined that the “Sioux Nation Treaty Council” formally formed in 1894, shortly after the Wounded Knee massacre. The Sioux Nation Treaty Council represents all of the Sioux Tribes (Approx 49 Tribes), and all other Sioux Treaty Councils would be subordinate to it, regardless of the Treaty Council’s name.”

The entire Memorandum can be found at www.siouxnationtreatycouncil.org

The 1868 Treaty Territory covered the entire western half of the state of South Dakota and parts of North Dakota, Montana, Wyoming, and Nebraska. All of western South Dakota was called the Great Sioux Reservation. Article II in the 1868 Fort Laramie Treaty, specifically states that the Treaty Territory

“shall be and the same is, set apart for the absolute and undisturbed use and occupation of the Indians...and the United States now solemnly agrees that no persons,...shall ever be permitted to pass over, settle upon, or reside in the territory described in this article...”

However, gold was discovered in the sacred Black Hills in the middle of the Treaty territory and began the invasion of the Treaty territory. The economy of the Sioux Nation was destroyed (bison) and the remaining survivors were placed in Prisoner-of-war camps now called American Indian Reservations, the four largest in what is now called western South Dakota.

After almost totally annihilating the Sioux Nation, a crime called genocide, the USA still today is illegally trespassing in the 1868 Treaty Territory and treating the Native American Indian people with racism, bigotry, and discrimination thus causing irreparable harm. This illegal trespass is in violation of not just the 1868 Treaty but also in violation of the U.S. Constitution Article VI which states that *“treaties are the Supreme Law of the land.”* The USA is also in violation of one of their own American laws, the March 3rd Act of 1871 which states:

“...That nothing herein contained shall be construed to invalidate or impair the obligation of any treaty heretofore lawfully made and ratified with any such Indian nation or tribe...” [U.S. Statues at Large, 16:566.]

This means that any Treaty made with any Indian nation prior to 3 March 1871 would not be invalidated and the obligations met. The 1868 Treaty was signed, ratified by the U.S. Congress and concluded three (3) years prior to the enactment of this law.

The Sioux Nation Treaty Council has been sending representatives to attend various meetings at the United Nations since 1982 after exhausting all remedies in the American courts. The main purpose has always been to find a resolution of this International Treaty which would mean the 1868 Fort Laramie Treaty would be enforced, the land title returned to the Sioux Nation, and the USA, with rare exceptions, removed from the Treaty territory. The UN Decolonization process could be a way to stop the forced assimilation, racism, and bigotry that has been inflicting drastic harm to the Sioux people for more than 150 years.

Eligibility for CERD and ICERD

The reason for approaching the UN Committee on the Elimination of Racial Discrimination (CERD) is stated eloquently in the beginning paragraphs of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) where it states:

“...Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist, and that the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 (General Assembly resolution 1514 (XV)) has affirmed and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end,...”

The USA is a signatory to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). All Native American Indian people in North America know only too well that the USA will not even uphold their own Constitution, Article VI, which states that *“treaties are the Supreme Law of the land.”* Therefore, we need the help of the family of nations through the actions of the Committee on the Elimination of Racial Discrimination (CERD) to insure that our now small nation will continue to exist and not be lost to genocide.

In the International Convention, Article 1 No. 3. states:

“Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.”

However, the reverse of this can destroy a small nation such as the Sioux Nation. The USA passed the Indian Citizenship Act of 1924, (43 Stat. 253, enacted June 2, 1924)

declaring all Native American Indians to be citizens of the United States without their free, prior, and informed consent or the ability to vote. This is an aggressive act of war and would not be tolerated if the USA passed a similar law declaring all people living in Austria, for example, to suddenly be American citizens without the right to vote. How can citizens have an International Treaty with the country where they are a citizen? It is a deliberate act of war determined to negate the 1868 Treaty provisions and eliminate the Sioux Nation.

Furthermore, it allows the USA to say they only have “*domestic treaties*” when there is no such concept. In addition, in 1934 with the passage of the Wheeler-Howard Act (June 18, 1934), also known as the Indian Reorganization Act, the USA established “*puppet governments*” to do their bidding and with whom they “*consult*” and provide the funds needed by the Sioux people. So in their report, when the USA states that they have “*consulted with the tribes*”, it is with their own “*puppet governments*” that they have consulted. The IRA Tribal governments are not our traditional form of government.

Racist Practices of the USA

The United States is currently unlawfully trespassing and occupying the illegal American states of South Dakota, North Dakota, Montana, Wyoming, and Nebraska as these are all portions of the 1868 Fort Laramie Treaty Territory. All of western South Dakota is called the Great Sioux Reservation. It would take volumes to present all the racist actions that continue to confront Sioux people on a daily basis in our own Treaty territory.

As the USA does not give accurate information in their reports to all the people and the world, little is known of the 1868 Fort Laramie Treaty and the fact that the USA is illegally occupying the Treaty Territory. A good example of invasion, occupation, and colonization would be if Russia was to stay in the Ukraine for the next 150 years and the Ukrainian people live under forced assimilation all while they are resisting.

The racism and bigotry in the 1868 Fort Laramie Treaty Territory is so egregious that the UN Civil Rights Commission in 2000 stated:

“The expressed feelings of hopelessness and helplessness in Indian Country cannot be overemphasized. There is a longstanding and pervasive belief among many Native Americans that racial discrimination permeates all aspects of life in South Dakota and that prejudice and bigotry play out on many levels, including the workplace, schools, business, and public accommodations. Ample research exists to establish disparities in almost all indicators of social well-being, including income, health, education, employment, and housing. While some have overcome the obstacles and

achieved great success, most American Indians have been left behind. For the most part, Native Americans are very much separate and unequal members of society. Thus, it is not surprising that they are underrepresented in terms of economic status and overrepresented in the population of the State's jails, juvenile facilities, and prisons. Systemic, institutionalized, and historic discrimination disadvantage Native Americans in many ways, and therefore the problems they encounter when caught up in the criminal justice system are wholly consistent with other forms of discrimination.

“Despair is not too strong a word to characterize the emotional feelings of many Native Americans who believe they live in a hostile environment.”

(Native Americans in South Dakota: An Erosion of Confidence in the Justice System, South Dakota Advisory Committee to the United States Commission on Civil Rights, March 2000, A report of the South Dakota Advisory Committee to the United States Commission on Civil Rights prepared for the information and consideration of the Commission. The full report can be found at [Native Americans in South Dakota: An Erosion of Confidence in the Justice System \(usccr.gov\)](http://usccr.gov))

Separated by 22 years from 2000 to 2022, the racism and bigotry still remain the same. The most recent examples are included in an article written May 28, 2022 entitled “*Native Americans Confront Racism in South Dakota*” by Cecily Hilleary in VOA, USA.

“South Dakota today is home to nine Indian reservations: the 2010 census shows it leads the nation in the percentage of Native Americans living below the poverty line; more than 50% of the Native Americans in Rapid City (the second largest city in the state) live in poverty.”

The article, which contains more information, is attached as Addendum No. 3. It can also be found at [Native Americans Confront Racism in South Dakota \(voanews.com\)](http://voanews.com)

Remediation

The UN Human Rights Council Resolution 48/7 passed on Oct. 8, 2021 whose title is “Negative impact of the legacies of colonialism on the enjoyment of human rights” specifically states:

“...Expressing deep concern at the violations of human rights of indigenous peoples committed in colonial contexts, and stressing the need for States to

take all measures necessary to protect rights and ensure the safety of indigenous peoples, especially indigenous women and children, to restore truth and justice and to hold perpetrators accountable,

1. Stresses the utmost importance of eradicating colonialism and addressing the negative impact of the legacies of colonialism on the enjoyment of human rights;

2. Calls for Member States, relevant United Nations bodies, agencies and other relevant stakeholders to take concrete steps to address the negative impact of the legacies of colonialism on the enjoyment of human rights;

3. Reaffirms that persecution of members of any identifiable group, collective or community on racial, national, ethnic or other grounds that are universally recognized as impermissible under international law, and the crime of apartheid, constitute serious violations of human rights and, in some cases, qualify as crimes against humanity;

4. Urges States to refrain from the forced assimilation of persons belonging to minorities, including indigenous populations, and to work to ensure that educational curricula and other materials do not stereotype minorities and indigenous populations on the basis of their ethnicity;

5. Invites United Nations human rights mechanisms and procedures, in fulfilling their mandates, to continue to pay attention to the negative impact of the legacies of colonialism on the enjoyment of human rights; ...”

By enforcing the legality of the 1868 Fort Laramie Treaty, the United Nations (UN) would not be a party to the unlawful oppression, ethnic cleansing, and genocide of the Sioux Nation. The UN, to have global legitimacy, needs to live up to its word, honor, ideals and resolutions. The Preamble to the UN Charter specifically states:

*“WE THE PEOPLES OF THE UNITED NATIONS DETERMINED
to save succeeding generations from the scourge of war, which twice in our
lifetime has brought untold sorrow to mankind, and
to reaffirm faith in fundamental human rights, in the dignity and worth of
the human person, in the equal rights of men and women and of nations
large and small, and
to establish conditions under which justice and respect for the obligations
arising from treaties and other sources of international law can be
maintained, and...”*

The UN must insure the survival of one of the smallest nations by simply listing the Sioux Nation in the UN Decolonization processes before it is too late.

Recommendation:

We strongly recommend the Committee, in your report to the General Assembly, powerfully advocate for the inclusion of the Sioux Nation in the UN Decolonization processes for the enforcement of the 1868 Fort Laramie Treaty. In 2015, Pakistan recommended this to the Human Rights Council calling us the Dakotas. We are the Sioux Nation although some of our people speak Dakota, one of the three dialects of our language.

Not to forget all the other Indigenous nations, and for the universality of our recommendation, we also recommend that ALL Indigenous nations with treaties or agreements with colonizing governments be given the same consideration in the Decolonization processes. The UN also must establish a Decolonization process for those Indigenous Peoples without treaties or agreements but who also suffer under colonization and colonizing governments.

Although the usual question will be, *“What about secession?”* The larger question is: *“How can the Sioux Nation or any other occupied nation secede when we are a separate nation illegally being occupied? We can’t secede when we are not a part of the USA.”* Therefore, advocating for the legal enforcement of an International Treaty is not promoting secession. It is only promoting what the Covenant stood for in the first place:

“Considering that the United Nations has condemned colonialism...”

Thank you. Wopila tanka. Our deepest gratitude for your work and considering our recommendations.

Addendums

Addendum No. 1: Fort Laramie Treaty of 1868

Addendum No. 2: 1868 Fort Laramie Treaty Territory Map

Addendum No. 3: VOA Article, May 28, 2022: Native Americans Confront Racism in South Dakota

Fort Laramie Treaty, 1868

MADE AND CONCLUDED BY AND BETWEEN

Lieutenant General William T. Sherman, General William S. Harney, General Alfred H. Terry, General O. O. Augur, J. B. Henderson, Nathaniel G. Taylor, John G. 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 headmen, whose names are hereto subscribed, they being duly authorized to act in the premises.

ARTICLE I.

From this day forward all war between the parties to this agreement shall for ever 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.

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 reimburse the injured person for the loss sustained.

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 wrongdoer to the United States, to be tried and punished according to its laws, and, in case they willfully refuse so to do, the person injured shall be reimbursed 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 reimbursed therefor.

ARTICLE II.

The United States agrees that the following district of country, to wit, viz: commencing on the east bank of the Missouri river where the 46th 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 104th degree of longitude west from Greenwich, thence north on said meridian to a point where the 46th 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 of the east bank of said river, shall be and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst

them; and the United States now solemnly agrees that no persons, except those herein designated and authorized so to do, and except such officers, agents, and employees of the government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, or in such territory as may be added to this reservation for the use of said Indians, and henceforth they will and do hereby relinquish all claims or 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.

ARTICLE III.

If it should appear from actual survey or other satisfactory examination of said tract of land that it contains less than 160 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, 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 IV.

The United States agrees, at its own proper expense, to construct, at some place on the Missouri river, near the centre 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 \$2,500; an agency building, for the residence of the agent, to cost not exceeding \$3,000; a residence for the physician, to cost not more than \$3,000; and five other buildings, for a carpenter, farmer, blacksmith, miller, and engineer—each to cost not exceeding \$2,000; 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 \$5,000.

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 \$8,000.

ARTICLE V.

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.

ARTICLE VI.

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.

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.

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."

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 surveys of the public lands. Upon application in writing, sustained by the proof of two disinterested witnesses, made to the register of the local land office when the land sought to be entered is within a land district, and when the tract sought to be entered is not in any land district, then upon said application and proof being made to the Commissioner of the General Land Office, and the right of such Indian or Indians to enter such tract or tracts of land shall accrue and be perfect from the date of his first improvements thereon, and shall continue as long as he continues his residence and improvements and no longer. And any Indian or Indians receiving a patent for land under the foregoing provisions shall thereby and from thenceforth become and be a citizen of the United States and be entitled to all the privileges and immunities of such citizens, and shall, at the same time, retain all his rights to benefits accruing to Indians under this treaty.

ARTICLE VII.

In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as are or may be settled on said agricultural reservations, and they, therefore, pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school, and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children between said ages, who can be induced or compelled to attend school, a house shall be provided, and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for not less than twenty years.

ARTICLE VIII.

When the head of a family or lodge shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, not exceeding in value one hundred dollars, and for each succeeding year he shall continue to farm, for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid, not exceeding in value twenty-five dollars. And it is further stipulated that such persons as commence farming shall receive instruction from the farmer herein provided for, and whenever more than one hundred persons shall enter upon the cultivation of the soil, a second blacksmith shall be provided, with such iron, steel, and other material as may be needed.

ARTICLE IX.

At any time after ten years from the making of this treaty, the United States shall have the privilege of withdrawing the physician, farmer, blacksmith, carpenter, engineer, and miller herein provided for, but in case of such withdrawal, an additional sum thereafter of ten thousand dollars per annum shall be devoted to the education of said Indians, and the Commissioner of Indian Affairs shall, upon careful inquiry into their condition, make such rules and regulations for the expenditure of said sums as will best promote the education and moral improvement of said tribes.

ARTICLE X.

In lieu of all sums of money or other annuities provided to be paid to the Indians herein named under any treaty or treaties heretofore made, the United States agrees to deliver at the agency house on the reservation herein named, on or before the first day of August of each year, for thirty years, the following articles, to wit:

For each male person over 14 years of age, a suit of good substantial woollen clothing, consisting of coat, pantaloons, flannel shirt, hat, and a pair of home-made socks.

For each female over 12 years of age, a flannel shirt, or the goods necessary to make it, a pair of woolen hose, 12 yards of calico, and 12 yards of cotton domestics.

ADDENDUM NO. 1

For the boys and girls under the ages named, such flannel and cotton goods as may be needed to make each a suit as aforesaid, together with a pair of woolen hose for each.

And in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent each year to forward to him a full and exact census of the Indians, on which the estimate from year to year can be based.

And in addition to the clothing herein named, the sum of \$10 for each person entitled to the beneficial effects of this treaty shall be annually appropriated for a period of 30 years, while such persons roam and hunt, and \$20 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 30 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 the 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, 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 the, 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 60 days after such lodge or family shall have so settled upon said reservation.

ARTICLE XI.

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 reservations 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 the said commissioners to be a chief or headman 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 XII.

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 VI of this treaty.

ARTICLE XIII.

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 estimate of the Secretary of the Interior, as will be sufficient to employ such persons.

ARTICLE XIV.

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.

ARTICLE XV.

The Indians herein named agree that when the agency house and 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 XI hereof.

ARTICLE XVI.

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.

ARTICLE XVII.

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.

In testimony of all which, we, the said commissioners, and we, the chiefs and headmen of the Brule 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,

W. T. SHERMAN,
Lieutenant General

WM. S. HARNEY,
Brevet Major General U.S.A.

JOHN B. SANBORN,

S. F. TAPPAN,

C. C. AUGUR,
Brevet Major General

ALFRED H. TERRY,
Brevet Major General U.S.A.

Attest:

A. S. H. WHITE, Secretary.

Executed on the part of the Brule band of Sioux by the chiefs and headman whose names are hereto annexed, they being thereunto duly authorized, at Fort Laramie, D. T., the twenty-ninth day of April, in the year A. D. 1868.

MA-ZA-PON-KASKA, his X mark, Iron Shell.

WAH-PAT-SHAH, his X mark, Red Leaf.

HAH-SAH-PAH, his X mark, Black Horn.
ZIN-TAH-GAH-LAT-WAH, his X mark, Spotted Tail.
ZIN-TAH-GKAH, his X mark, White Tail.
ME-WAH-TAH-NE-HO-SKAH, his X mark, Tall Man.
SHE-CHA-CHAT-KAH, his X mark, Bad Left Hand.
NO-MAH-NO-PAH, his X mark, Two and Two.
TAH-TONKA-SKAH, his X mark, White Bull.
CON-RA-WASHTA, his X mark, Pretty Coon.
HA-CAH-CAH-SHE-CHAH, his X mark, Bad Elk.
WA-HA-KA-ZAH-ISH-TAH, his X mark, Eye Lance.
MA-TO-HA-KE-TAH, his X mark, Bear that looks behind.
BELLA-TONKA-TONKA, his X mark, Big Partisan.
MAH-TO-HO-HONKA, his X mark, Swift Bear.
TO-WIS-NE, his X mark, Cold Place.
ISH-TAH-SKAH, his X mark, White Eye.
MA-TA-LOO-ZAH, his X mark, Fast Bear.
AS-HAH-HAH-NAH-SHE, his X mark, Standing Elk.
CAN-TE-TE-KI-YA, his X mark, The Brave Heart.
SHUNKA-SHATON, his X mark, Day Hawk.
TATANKA-WAKON, his X mark, Sacred Bull.
MAPIA SHATON, his X mark, Hawk Cloud.
MA-SHA-A-OW, his X mark, Stands and Comes.
SHON-KA-TON-KA, his X mark, Big Dog.

Attest:

ASHTON S. H. WHITE, Secretary of Commission.
GEORGE B. WITHS, Phonographer to Commission.
GEO. H. HOLTZMAN.
JOHN D. HOWLAND.
JAMES C. O'CONNOR.
CHAR. E. GUERN, Interpreter.

LEON T. PALLARDY, Interpreter.

NICHOLAS JANIS, Interpreter.

Executed on the part of the Ogallalla band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized, at Fort Laramie, the 25th day of May, in the year A. D. 1868.

TAH-SHUN-KA-CO-QUI-PAH, his + mark, Man-afraid-of-his-horses.

SHA-TON-SKAH, his + mark, White Hawk.

SHA-TON-SAPAH, his + mark, Black Hawk.

EGA-MON-TON-KA-SAPAH, his + mark, Black Tiger

OH-WAH-SHE-CHA, his + mark, Bad Wound.

PAH-GEE, his + mark, Grass.

WAH-NON SAH-CHE-GEH, his + mark, Ghost Heart.

COMECH, his + mark, Crow.

OH-HE-TE-KAH, his + mark, The Brave.

TAH-TON-KAH-HE-YO-TA-KAH, his + mark, Sitting Bull.

SHON-KA-OH-WAH-MEN-YE, his + mark, Whirlwind Dog.

HA-KAH-KAH-TAH-MIECH, his + mark, Poor Elk.

WAM-BU-LEE-WAH-KON, his + mark, Medicine Eagle.

CHON-GAH-MA-HE-TO-HANS-KA, his + mark, High Wolf.

WAH-SECHUN-TA-SHUN-KAH, his + mark, American Horse.

MAH-KAH-MAH-HA-MAK-NEAR, his + mark, Man that walks under the ground.

MAH-TO-TOW-PAH, his + mark, Four Bears.

MA-TO-WEE-SHA-KTA, his + mark, One that kills the bear.

OH-TAH-KEE-TOKA-WEE-CHAKTA, his + mark, One that kills in a hard place.

TAH-TON-KAH-TA-MIECH, his + mark, The Poor Bull.

OH-HUNS-EE-GA-NON-SKEN, his + mark, Mad Shade.

SHAH-TON-OH-NAH-OM-MINNE-NE-OH-MINNE, his + mark, Whirling hawk.

MAH-TO-CHUN-KA-OH, his + mark, Bear's Back.

CHE-TON-WEE-KOH, his + mark, Fool Hawk.

WAH-HOH-KE-ZA-AH-HAH, his + mark,

EH-TON-KAH, his + mark, Big Mouth.

MA-PAH-CHE-TAH, his + mark, Bad Hand.
WAH-KE-YUN-SHAH, his + mark, Red Thunder.
WAK-SAH, his + mark, One that Cuts Off.
CHAH-NOM-QUI-YAH, his + mark, One that Presents the Pipe.
WAH-KE-KE-YAN-PUH-TAH, his + mark, Fire Thunder.
MAH-TO-NONK-PAH-ZE, his + mark, Bear with Yellow Ears.
CON-REE-TEH-KA, his + mark, The Little Crow.
HE-HUP-PAH-TOH, his + mark, The Blue War Club.
SHON-KEE-TOH, his + mark, The Blue Horse.
WAM-BALLA-OH-CONQUO, his + mark, Quick Eagle.
TA-TONKA-SUPPA, his + mark, Black Bull.
MOH-TOH-HA-SHE-NA, his + mark, The Bear Hide.

Attest:

S. E. WARD.

JAS. C. O'CONNOR.

J. M. SHERWOOD.

W. C. SLICER.

SAM DEON.

H. M. MATHEWS.

JOSEPH BISS

NICHOLAS JANIS, Interpreter.

LEFROY JOTT, Interpreter.

ANTOINE JANIS, Interpreter.

Executed on the part of the Minneconjou band of Sioux by the chiefs and headmen whose names are hereunto subscribed, they being thereunto duly authorized.

HEH-WON-GE-CHAT, his + mark, One Horn.

OH-PON-AH-TAH-E-MANNE, his + mark, The Elk that Bellows Walking.

HEH-HO-LAH-ZEH-CHA-SKAH, his + mark, Young White Bull.

WAH-CHAH-CHUM-KAH-COH-KEEPAH, his + mark, One that is Afraid of Shield.

HE-HON-NE-SHAKTA, his + mark, The Old Owl.

MOC-PE-A-TOH, his + mark, Blue Cloud.
OH-PONG-GE-LE-SKAH, his + mark, Spotted Elk.
TAH-TONK-KA-HON-KE-SCHUE, his + mark, Slow Bull.
SHONK-A-NEE-SHAH-SHAH-ATAH-PE, his + mark, The Dog Chief.
MA-TO-TAH-TA-TONK-KA, his + mark, Bull Bear.
WOM-BEH-LE-TON-KAH, his + mark, The Big Eagle.
MATOH, EH-SCHNE-LAH, his + mark, The Lone Bear.
MA-TOH-OH-HE-TO-KEH, his + mark, The Brave Bear.
EH-CHE-MA-KEH, his + mark, The Runner.
TI-KI-YA, his + mark, The Hard.
HE-MA-ZA, his + mark, Iron Horn.

Attest:

JAS. C O'CONNOR,
WM. D. BROWN,
NICHOLAS JANIS,
ANTOINE JANIS,

Interpreters.

Executed on the part of the Yanctonais band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized:

MAH-TO-NON-PAH, his + mark, Two Bears.
MA-TO-HNA-SKIN-YA, his + mark, Mad Bear.
HE-O-PU-ZA, his + mark, Louzy.
AH-KE-CHE-TAH-CHE-KA-DAN, his + mark, Little Soldier.
MAH-TO-E-TAN-CHAN, his + mark, Chief Bear.
CU-WI-TO-WIA, his + mark, Rotten Stomach.
SKUN-KA-WE-TKO, his + mark, Fool Dog.
ISH-TA-SAP-PAH, his + mark, Black Eye.
IH-TAN-CHAN, his + mark, The Chief.
I-A-WI-CA-KA, his + mark, The One who Tells the Truth.

AH-KE-CHE-TAH, his + mark, The Soldier.
TA-SHI-NA-GI, his + mark, Yellow Robe.
NAH-PE-TON-KA, his + mark, Big Hand.
CHAN-TEE-WE-KTO, his + mark, Fool Heart.
HOH-GAN-SAH-PA, his + mark, Black Catfish.
MAH-TO-WAH-KAN, his + mark, Medicine Bear.
SHUN-KA-KAN-SHA, his + mark, Red Horse.
WAN-RODE, his + mark, The Eagle.
CAN-HPI-SA-PA, his + mark, Black Tomahawk.
WAR-HE-LE-RE, his + mark, Yellow Eagle.
CHA-TON-CHE-CA, his + mark, Small Hawk, or Long Fare.
SHU-GER-MON-E-TOO-HA-SKA, his + mark, Fall Wolf.
MA-TO-U-TAH-KAH, his + mark, Sitting Bear.
HI-HA-CAH-GE-NA-SKENE, his + mark, Mad Elk.

Arapahoes.

LITTLE CHIEF, his + mark.
TALL BEAR, his + mark.
TOP MAN, his + mark.
NEVA, his + mark.
THE WOUNDED BEAR, his + mark.
WHIRLWIND, his + mark.
THE FOX, his + mark.
THE DOG BIG MOUTH, his + mark.
SPOTTED WOLF, his + mark.
SORREL HORSE, his + mark.
BLACK COAL, his + mark.
BIG WOLF, his + mark.
KNOCK-KNEE, his + mark.
BLACK CROW, his + mark.
THE LONE OLD MAN, his + mark.

PAUL, his + mark.

BLACK BULL, his + mark.

BIG TRACK, his + mark.

THE FOOT, his + mark.

BLACK WHITE, his + mark.

YELLOW HAIR, his + mark.

LITTLE SHIELD, his + mark.

BLACK BEAR, his + mark.

WOLF MOCASSIN, his + mark.

BIG ROBE, his + mark.

WOLF CHIEF, his + mark.

Witnesses:

ROBERT P. MCKIBBIN,
Captain 4th Infantry, and Bvt. Lieut. Col. U. S. A.,
Commanding Fort Laramie.

WM. H. POWELL,
Brevet Major, Captain 4th Infantry.

HENRY W. PATTERSON,
Captain 4th Infantry.

THEO E. TRUE,
Second Lieutenant 4th Infantry.

W. G. BULLOCK.

**FORT LARAMIE, WYOMING TERRITORY
November 6, 1868.**

MAH-PI-AH-LU-TAH, his + mark, Red Cloud.

WA-KI-AH-WE-CHA-SHAH, his + mark, Thunder Man.

MA-ZAH-ZAH-GEH, his + mark, Iron Cane.

WA-UMBLE-WHY-WA-KA-TUYAH, his + mark, High Eagle.

KO-KE-PAH, his + mark, Man Afraid.

WA-KI-AH-WA-KOU-AH, his + mark, Thunder Flying Running.

Witnesses:

W. MCE. DYE,
Brevet Colonel U. S. Army, Commanding.

A. B. CAIN,
Captain 4th Infantry, Brevet Major U. S. Army.

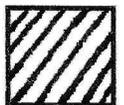
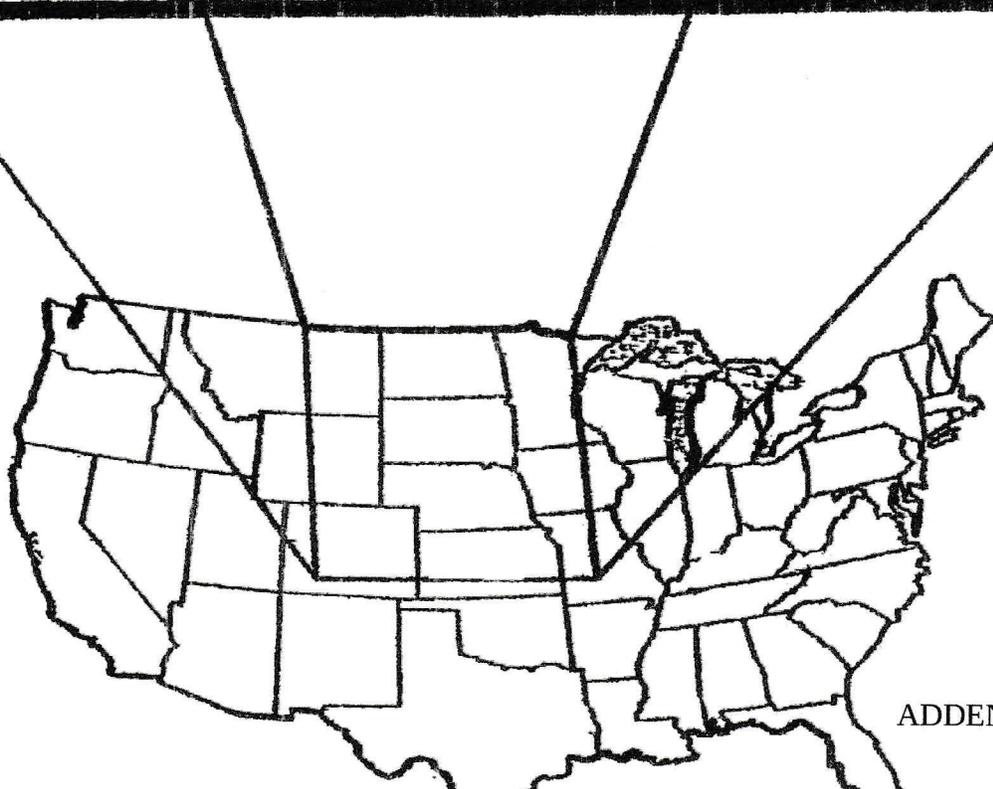
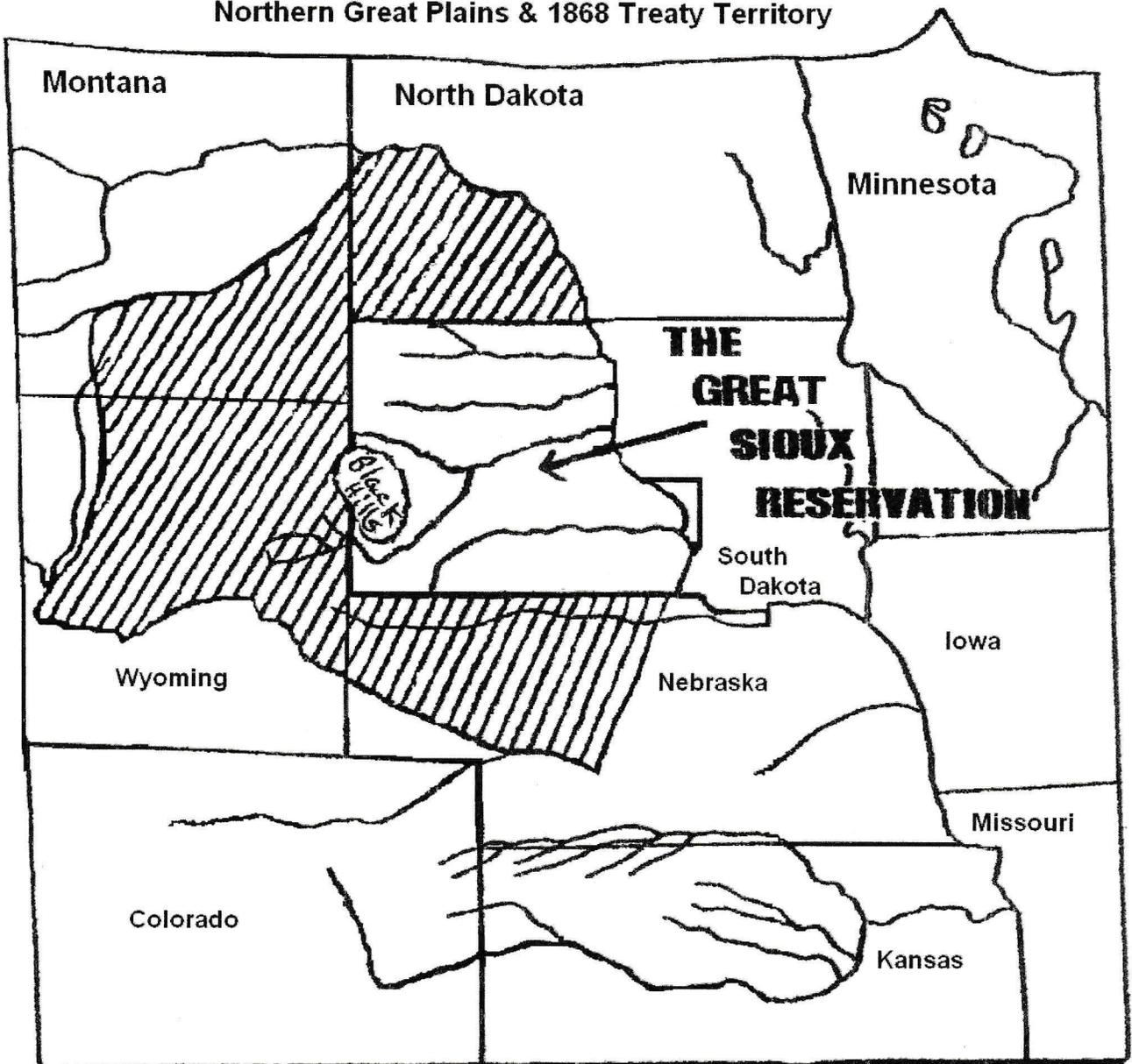
ROBT. P. MCKIBBIN,
Captain 4th Infantry, Bvt. Lieut. Col. U. S. Army.

JNO. MILLER,
Captain 4th Infantry.

G. L. LUHN,
First Lieutenant 4th Infantry, Bvt. Capt. U. S. Army.

H. C. SLOAN,
Second Lieutenant 4th Infantry.

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Native Americans Confront Racism in South Dakota

May 28, 2022 9:14 AM Cecily Hilleary

WASHINGTON — “No wonder those four great Americans seem so sad as they look down from Mount Rushmore,” Denver Post columnist Roscoe Fleming wrote in 1962. “For they see incongruous and continuing racism.”

In South Dakota at that time, it wasn't unusual to see restaurant and shop signs reading, “No Indians Allowed.”

Today, the signs have come down, but VOA has heard from dozens of Native Americans in South Dakota who say that racism permeates their lives and is especially prevalent in the state's second-largest city, Rapid City.

It was there, as VOA earlier reported, that Gateway Grand Hotel owner Connie Uhre in March announced she would no longer allow Native Americans on the property after a shooting took place there; later, she turned away two members of the Indian-led, nonprofit NDN Collective who tried to book a room at her hotel.

Sunny Red Bear, NDN Collective director of racial equity, is one of the two denied services. NDN Collective, the name a shortening of “Indian,” is an indigenous-led organization in Rapid City that works to empower Native peoples.

“Rapid City, like many places in the U.S., has a long history of racism that many white people are committed to upholding on both a systemic and interpersonal level, whether they know it or not,” she said. “People in positions of power here in Rapid City, by not stating that systemic racism exists in Rapid City, continue to minimize the lived experiences of Native people and people of color here in the community.”

Janet Davies, the daughter of a Lakota mother and a white father, described growing up in a city where she said she was constantly shamed.

“When I was in seventh grade, there was a school dance,” she said. “And this nice boy asked me to go with him. But then later on he said to me, ‘I can't go with you because I found out you have Indian blood. You're a sq---w.’”

She used an ethnic and sexual slur for Indigenous women.

In April, during a stay in a Rapid City hospital, Oglala Lakota rights advocate Hermus Bettelyoun posted on Facebook, “I now have a room to myself here. My [white] roommate found

out my skin wasn't the right color tint for him. He asked the doctor if they could move me because he didn't want to 'breath the same air' as [me]."

Native American residents of the city complain of being tailed like thieves in local businesses, being turned down for jobs and enduring taunts to "go back to the reservation."

"I've talked to multiple mothers and fathers whose children are experiencing racism in schools by getting their hair cut by other students, by being called "Prairie N-word," Red Bear said.

Many expressed conviction that the state government is racist.

Critical race theory

In April, South Dakota Governor Kristie Noem signed an executive order banning the teaching of critical race theory in the state's primary school system. CRT is an academic theory that states racism isn't just the product of individual bias or prejudice but is embedded in the nation's legal systems and policies.

"I think her message to us is that we don't matter and that the Native experience in South Dakota doesn't matter," South Dakota Democratic State Sen. Troy Heinert, a Sicangu Lakota citizen from the Rosebud Reservation, told Native News Online in April.

Red Bear said she views the move as a continuation of historic assimilation policies.

"The lack of education and the lack of conversations around the history of what has happened to Indigenous people are perpetuating crazy, harmful... stereotypes," Red Bear said.

"I'm fifth-generation Rapid City," said J. B., who asked VOA to withhold his name out of fear of repercussion. "Up until the George Floyd killing in Minneapolis, I was just another white guy. But when that killing happened, that triggered something in my head. I can tell you Rapid City is on the front lines of a lot of racism right now. It's called Racist City for a reason."

Rapid City Mayor Steve Allender admits there is a huge divide between "some of the Native American population here and non-native citizens."

"If you look back in history and even currently, racism is in all of the continents," he told VOA. "There's nothing different or special about Rapid City when it comes to the flaws of humanity."

"What I think must be pointed out," he continued, "is that in Rapid City, this takes center stage in the news cycle, whereas there are other parts of the country where this type of stuff [goes on] and the reaction is nowhere near this."

Historic roots

South Dakota has a history of "tumultuous race relations" dating back to early white settlement, according to a 2019 report by the South Dakota advisory committee to the U.S. Civil Rights Commission.

The 1868 Fort Laramie Treaty designated a large territory west of the Missouri River as the exclusive territory of the "Great Sioux" tribes - the Lakota, Dakota and Nakota.

After an 1874 expedition confirmed deposits of gold in the Black Hills, miners flocked to the region. When the Lakota refused to sell mining rights, the government ordered them to reservations and sent in troops when they resisted. The armed conflict that followed saw George Custer's defeat at Little Big Horn in 1876, the murder of Lakota leader Sitting Bull in 1879 and the massacre of several hundred Indian men, women and children at Wounded Knee.

And, as the South Dakota civil rights advisory committee noted, "overt racism and discrimination continued to impact the indigenous population in South Dakota significantly throughout the twentieth century, and some scholars argue that it manifests itself today in suppressed political participation and disparities in the criminal justice system."

Native Americans were made citizens in 1924, but South Dakota didn't allow them to vote or hold office until 1940. Between 1976, when the Voting Rights Act was passed, and 2002, South Dakota passed more than 600 statutes and regulations hindering Native voting in certain jurisdictions with large Native populations.

South Dakota today is home to nine Indian reservations; the 2010 census shows it leads the nation in the percentage of Native Americans living below the poverty line; more than 50% of the Native Americans in Rapid City live in poverty.

Natives invisible

The First Nations Development Institute conducted a two-year nationwide survey on public opinion about Natives. Among their findings:

- Most Americans know Native Americans were oppressed and that their land was stolen but don't know about the violence involved.
- Non-Natives largely create and control narratives about Native Americans, focusing on deficits such as poverty, alcoholism and ill health.
- Most policymakers and judges have little knowledge of Native issues and do not understand America's treaty obligations to the tribes, who ceded land to the U.S. in exchange for education, health care, housing and other protections.
- Non-Natives who live near reservations in areas of high unemployment or economic stress may be resentful of these entitlements.

Allender, the Rapid City mayor, said he believes eradicating racism is an unrealistic goal.

"We can certainly reduce it and we can certainly create an environment where these outward manifestations of it are not acceptable," he added. "I want every citizen, whether a tourist or resident, a white-skinned person, a dark-skinned person... to receive equal treatment, have equal opportunities."

He expressed frustration over the city's homeless population.

The city's annual "point in time" count of the homeless conducted in January showed 458 unhoused adults and children, 350 of whom were Native American. Thirty-nine reported substance abuse, and 28 had serious mental illness.

"Almost all of our homeless people in Rapid City are Native American," Allender continued. "And a lot of them are intoxicated. And I'll tell you, the homeless people are a violent group."

Red Bear, of NDN Collective, is Lakota from the Cheyenne River Sioux Reservation in South Dakota.

"All the talk about our unhoused relatives and that Native people have a predisposition to alcoholism is accompanied by numerous other related misconceptions that feed into the idea that we are morally deficient because of our so-called inability to control ourselves, and that all that makes us a menace to society," Red Bear said. "These stereotypes are extremely harmful and expose a lack of compassion and empathy for those who are struggling."

In March, NDN Collective filed a lawsuit against hotel owner Connie Uhre and called for a citywide boycott of businesses with racist policies and practices. South Dakota tribal leaders have suggested they may relocate annual events like the Lakota Nation Invitational Basketball Tournament and Black Hills Powwow, which bring Rapid City millions of dollars in revenue.

The collective said it won't back down until the city imposes "concrete consequences" on racist business owners.

This has triggered anger among some white citizens.

"Clearly, the Uhre family and their right to engage in commerce have been targeted...for the unpardonable sin of unpopular speech," one resident wrote to the Rapid City Journal, likening the boycott to "racketeering."

Mayor Allender also objects to the boycott.

"This hotel is still closed. They probably suffered well into the six figures of economic damage if not more, in the couple of months that they have been closed," he said, pointing out its irony: "You're offended because one family judged an entire group of people by the actions of one, and now your response is to judge an entire community because of the actions of one?"