

LIABILITIES OF CONQUEST: WOUNDED KNEE AND THE POLITICS OF MEMORY

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Introduction

Wounded Knee and the Politics of Memory

Four days after Christmas in 1940, reporter Paul Friggens noted that “Congress has just appropriated \$15,000,000,000 for national defense, but lying before it is a bill for America’s last major Indian battle fought exactly 50 years ago today.” He referred to the engagement at Wounded Knee Creek, South Dakota, where the US Seventh Cavalry killed over two hundred Lakota men, women, and children on December 29, 1890. Twenty-five cavalymen also died in the fight. Friggens explained that Wounded Knee was among the most controversial military engagements in the nation’s history, even after five decades had passed. The embroilment over the meaning of Wounded Knee had even been imprinted on the memorial landscape of the American West, with competing monuments to the dead. One stood at Fort Riley, Kansas, honoring the fallen soldiers. The other obelisk was located at Wounded Knee itself, where it memorialized the Lakotas who lost their lives. “They’re fighting the action all over again in Washington on the 50th anniversary,” Friggens continued, “and the reason is a bill introduced by Representative Francis Case, South Dakota, ‘to liquidate the liability of the United States for the massacre of Sioux Indian men, women, and children at Wounded Knee.’”¹ Congress was therefore tasked with deciding whether the United States Army had conducted itself honorably against “hostile” Indians or if the Seventh Cavalry had massacred innocent Lakotas.

The trouble started long before 1890, Friggens argued, as settlers encroached on Lakota lands on the northern Great Plains. “It reached its climax late in 1890 with a Messianic ghost

¹ Paul Friggens, “Uncle Sam Still Pays for Wars and Indian Massacres of 1890,” *Everyweek Magazine*, December 29, 1940.

dance, a frenzied religious revival, common among the Sioux. Lasting for days and nights at a time, these ghost dances drove the Indians virtually mad until they believed the ghost shirts they wore were sacred and bullet-proof against the soldiers.” Although admitting that “historians have never agreed precisely as to all that happened that morning when, a drab Sioux camp on Wounded Knee Creek in southwestern South Dakota was turned into shambles,” Friggens turned to ethnologist James Mooney’s 1896 *The Ghost Dance Religion and the Sioux Outbreak of 1890* to describe the arrest and disarmament of Minneconjou Lakota leader Big Foot (*Sithánka*) and his four hundred “Messianic dancers.”² For Mooney, what started as a battle quickly turned into a horrific massacre. A young Lakota warrior, acting on a signal from the Ghost Dance medicine man, started the fight by firing at the soldiers. Although Mooney considered the Lakotas responsible for the initial volley, the Seventh Cavalry, aided by Hotchkiss cannons, proceeded to slaughter fleeing men, women, and children.³

To balance Mooney’s more sympathetic account, Friggens quoted from Secretary of War Redfield Proctor’s 1891 report on Wounded Knee, in which Proctor argued that Big Foot’s band “embraced the most fanatical and desperate element among the Sioux.” The secretary contended that the warriors fired at least fifty shots at the soldiers before the troops returned fire. Since a line of soldiers separated the warriors from the women and children, Proctor insisted, the Lakota men had actually killed their own families in the initial volley at the cavalrymen. In the subsequent fight, he contended, it was impossible for the soldiers to distinguish Native men from women at a distance, since their clothing and appearance were too similar. Furthermore,

² “Sithánka,” *New Lakota Dictionary*, 2nd ed. (Bloomington: Indian University Press, 2011), 497. All Lakota references will be italicized for emphasis and follow, as closely as possible, the *New Lakota Dictionary*’s orthography.

³ Friggens, “Uncle Sam Still Pays.”

officers had repeatedly cautioned their men not to shoot at women or children. The troops of the Seventh Cavalry, in Proctor's final analysis, had conducted themselves with gallantry and were responsible for neither the initial fight nor the ensuing noncombatant deaths.⁴

Friggens contrasted Proctor's report with a statement made by General Nelson A. Miles, a major critic of the Seventh Cavalry's conduct at Wounded Knee. In 1917, the general concluded that the government was obligated "to make suitable recompense to the [Lakota] survivors . . . for the great injustice which was done them and the serious loss of their relatives and property." Friggens believed that these differing interpretations within the army itself only served to "intensify the controversy" over Representative Case's legislation, which would provide \$1,000 for each Lakota killed or wounded, to be paid to survivors and heirs. Friggens asked in conclusion whether the dueling monuments to Wounded Knee would "mark the last [public] recognition of the last major Indian encounter in the United States," in a sense leaving the controversy unresolved, or if the government would settle the issue in favor of the Lakotas through compensation.⁵

Representative Case's bill culminated five decades of Lakota politics of memory. In the wake of Wounded Knee, the survivors—scattered, injured, impoverished, and confined to reservations—actively challenged and undermined official explanations, such as those advanced by Secretary Proctor, for the army's actions on December 29, 1890. Since the United States and the Lakota nation were at peace, as codified in treaties that bound the two peoples together, the remaining members of Big Foot's band argued that the Seventh Cavalry's actions at Wounded Knee constituted murder rather than casualties of war. The treaties, which the survivors

⁴ Friggens, "Uncle Sam Still Pays."

⁵ Friggens, "Uncle Sam Still Pays."

interpreted in light of traditional Lakota practices of conflict resolution, obligated the US government to provide restitution to the grieving families for lives taken. In the half-century after Wounded Knee, the survivors presented this argument in a series of compensation claims, in several accounts dictated to sympathetic white interlocutors, and, as Friggens noted, in stone at the massacre site. Since the army had already claimed the linguistic terrain—Wounded Knee was officially designated a heroic victory of brave soldiers over “hostile,” “fanatical,” and “treacherous” Ghost Dancers—the survivors’ engagement in the politics of memory was ultimately a struggle over language, requiring the Lakotas to “reinvent the language of the enemy” in their pursuit of justice for their slain kin.⁶

Collective Memory at the Crossroads of Western and Indian Histories

This dissertation examines the intersections between collective memory, Native American history, and Western history. Although it is a tad old now, the New Western History remains the prevailing paradigm in the academic study of the American West. Patricia Nelson Limerick’s *The Legacy of Conquest: The Unbroken Past of the American West*, first published in 1987, was an aggressive reinterpretation of the field. For much of the twentieth century, Frederick Jackson Turner’s frontier thesis framed scholarly investigations of western pasts. The frontier made Americans distinct, as Europeans entered the New World wilderness, struggled against nature and “savagery,” settled “free land,” and emerged as Americans. Democracy, individualism, nationalism, innovation, and civilization resulted. Turner believed the frontier, with all of its gifts, had ended in 1890.⁷ His ideas energized historians for much of the twentieth

⁶ Joy Harjo and Gloria Bird, eds., *Reinventing the Enemy’s Language: Contemporary Native Women’s Writings of North America* (New York: W. W. Norton, 1997).

⁷ Frederick Jackson Turner, “The Significance of the Frontier in American History,” in *The Frontier in American History* (1920; repr., n.p.: BiblioBazaar, 2008), 13-42.

century, although by the time Limerick published *The Legacy of Conquest*, scholars realized that the paradigm obscured as much as it revealed.⁸ Limerick synthesized scholarship that either challenged or fell outside of Turner's framework, as she argued that celebrating the westward expansion of Euro-Americans ignored the stark realities of conquest for Native peoples and Mexicans, discrimination against blacks, Asians, and women, environmental degradation, and the fact that the West was a place with a history that extended beyond 1890.⁹

The Legacy of Conquest was a belated response to broader changes in the academy, as historians radicalized by the Civil Rights Movement and opposition to the war in Vietnam shifted their gaze away from powerful white men and focused their inquiries on ways that working people, women, and people of color exercised agency in the face of oppression.¹⁰ Of particular importance here was the emergence of the New Indian History in the 1970s, scholarship that portrayed indigenous peoples as agents, rather than mere victims of European colonization. While much of this literature has illuminated ways that Native nations exercised power in early American history, scholars have also emphasized that Indian peoples survived conquest and even flourished in the twentieth century.¹¹ Limerick synthesized this material, concentrating her discussion on the shift away from assimilationist policies developed in the late

⁸ See Gerald D. Nash, *Creating the West: Historical Interpretations, 1890-1990* (1991; repr., Albuquerque: University of New Mexico Press, 1993).

⁹ Patricia Nelson Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (1987; repr., New York: W. W. Norton, 2006). See also Patricia Nelson Limerick, Clyde A. Milner II, and Charles E. Rankin, eds., *Trails: Toward a New Western History* (Lawrence: University Press of Kansas, 1991).

¹⁰ Joyce Appleby, Lynn Hunt, and Margaret Jacob, *Telling the Truth about History* (1994; repr., New York: W. W. Norton, 1995), 146-59; Walter Johnson, "On Agency," *Journal of Social History* 37, no. 1 (Autumn 2003): 113-24.

¹¹ See Melissa L. Meyer and Kerwin Lee Klein, "Native American Studies and the End of Ethnohistory," and Richard White, "Using the Past: History and Native American Studies," in *Studying Native America: Problems and Prospects*, ed. Russell Thornton (Madison: University of Wisconsin Press, 1998), 182-216, 217-43.

nineteenth century, the Indian New Deal's embrace of cultural pluralism and limited self-government in the 1930s, the return to assimilationist ideas in the 1950s in the form of Termination (defined by the abrogation of tribal treaties and relocation from reservations to cities), and the subsequent implementation of self-determination and multiculturalism in the 1970s.¹² Limerick also described how Native activists demanded, and in many cases won, recognition of treaty rights, which many white Westerners saw as a threat to their property and traditions of individualism.¹³

Limerick's argument that the modern American West was defined through the contentious process of sorting out the legacies of conquest foreshadowed the explosion of memory studies in the early 1990s. Historian Michael Kammen has suggested that multiple factors converged to produce this efflorescence of memory scholarship. Starting with the national Bicentennial in 1976, Americans celebrated in quick succession the Centennial of the Statue of Liberty in 1986, the Bicentennial of the Constitution and Bill of Rights in 1987, 1989, and 1991 (ratification by the states), and the Quincentenary of Columbus' "discovery" of the Americas in 1992. The embrace (and contestation) of multiculturalism in the United States produced recognition of religious, ethnic, racial, and gender diversity alongside affirmations of the nation's Anglo-Saxon, Judeo-Christian "heritage." Kammen also suggested that increased Holocaust consciousness paralleled prominent instances of Holocaust denial. Americans confronted the legacies of the Vietnam War, as manifested in the Vietnam Veterans Memorial and the Reagan and Bush administrations' attempts to overcome the "Vietnam Syndrome" of weak foreign policy. In 1988, Congress apologized for the forced internment of Japanese-

¹² Limerick, *The Legacy of Conquest*, 179-221.

¹³ Limerick, *The Legacy of Conquest*, 330-38.

Americans during World War II and paid the survivors reparations. Internationally, Kammen pointed to the fall of Communism and Apartheid, which initiated debates over the responsibilities of governments to atone for state-sponsored violence. In Kammen's view, these factors combined to cause the proliferation of academic interest in collective memory.¹⁴ Limerick herself recognized the utility of the new field in her subsequent work on "the legacies and reckonings of the New West."¹⁵

Not all academics embraced the new idiom of collective memory. Noa Gedi and Yigal Elam, writing in 1995, complained of "witnessing an act of intrusion whereby a certain term is forcing itself like a molten rock into an earlier formation, jostling aside older yet still effective working terms, and unavoidably obliterating fine distinctions that have so far well served historical research." Specifically, they bemoaned that collective memory was replacing terms such as myth, tradition, legend, stereotype, popular images, and imagination.¹⁶ Sociologists Jeffrey K. Olick and Joyce Robbins, writing three years later, acknowledged that the field was "a nonparadigmatic, transdisciplinary, [and] centerless enterprise." This was partly due to the number of disciplines that embraced the new phenomenon—sociology, history, literary criticism, anthropology, psychology, art history, and political science—and also because there had been little attempt to standardize terminology and focus of study.¹⁷ Writing a decade later,

¹⁴ Michael Kammen, "Frames of Remembrance: The Dynamics of Collective Memory by Iwona Irwin-Zareka," *History and Theory* 34, no. 3 (October 1995): 245-61.

¹⁵ Patricia Nelson Limerick, *Something in the Soil: Legacies and Reckonings in the New West* (2000; repr., New York: W. W. Norton, 2001).

¹⁶ Noa Gedi and Yigal Elam, "Collective Memory—What is It?" *History and Memory* 8, no. 1 (Spring-Summer 1996): 30-50, quote at 30.

¹⁷ Jeffrey K. Olick and Joyce Robbins, "Social Memory Studies: From 'Collective Memory' to the Historical Sociology of Mnemonic Practices," *Annual Review of Sociology* 24 (1998): 105-40, quote at 105-106. See also Jeffrey K. Olick, "'Collective Memory': A Memoir and Prospect," *Memory Studies* 1, no. 1 (2007): 19-25.

Olick turned Gedi and Elam's critique on its head, arguing that "collective memory" was useful precisely because it brought into conversation multiple mnemonic products (stories, books, monuments) and practices (reminiscences, commemorations, regret) that had previously been analyzed in isolation. Olick, reacting against a common tendency to describe memory as an object (sometimes even ascribing agency to that object), also contended that academics should be sensitive to the fact that remembering, as a verb, is a process marked by variety, contradiction, and dynamism.¹⁸

The academic study of collective memory originated with Durkheimian sociologist Maurice Halbwachs, who developed the notion in interwar France. In *The Social Frameworks of Memory* (1925), Halbwachs criticized Sigmund Freud and Henri Bergson, each of whom believed human minds recorded an individual's experiences in their entirety, which were then stored as memories that could later be retrieved. In contrast, Halbwachs contended that people's brains only capture fragments of experience, which are later reconstructed to address present concerns. This argument set up Halbwachs' principal contention: that people reconstruct their memories within social frameworks, meaning that people filter and organize their memories according to the values and concerns espoused by whatever group or groups to which they belong. Familial values and relationships shape how and what family members recollect; religious doctrines and practices frame how congregants picture the past. Halbwachs allowed for variation among group members' memories, since at any given time individuals belong to multiple groups with competing social frameworks.¹⁹

¹⁸ Jeffrey K. Olick, "From Collective Memory to the Sociology of Mnemonic Products and Practices," in Astrid Erll and Ansgar Nunning, eds., *Cultural Memory Studies: An International and Interdisciplinary Handbook* (Berlin: Walter de Gruyter, 2008), 151-61.

¹⁹ See Maurice Halbwachs, *On Collective Memory*, ed. and trans. Lewis A. Coser. The Heritage of Sociology (Chicago: University of Chicago Press, 1992), 37-189.

In this early work, Halbwachs defined “collective memory” primarily as socially framed individual memory. Subsequently, his attention turned to ways that group members appropriate, define, and contest events that they had not witnessed themselves. In *The Legendary Topography of the Gospels in the Holy Land* (1941), Halbwachs described how multiple Christian groups struggled to control the Holy Land’s memorial landscape, a process that started with the canonization of certain written Gospels while excluding others and continued as waves of pilgrims marked and remarked the supposed locations of Jesus’ ministry in Jerusalem.²⁰ In a collection of essays published posthumously, *The Collective Memory* (1950), Halbwachs further refined his ideas. Individuals possess “autobiographical memories,” which are socially framed individual recollections of past experiences. Autobiographical memories can either be sustained or weakened depending on an individual’s continued or discontinued interactions with a group.²¹ Autobiographical memories interact with “historical memory,” information about a group’s past that is derived from written or oral sources, but not through direct observation.²² Halbwachs also distinguished history, the writings of professional historians who use their own rules to evaluate evidence, and collective memory, the narratives and images groups hold in “living trust.” Whereas historians tend to focus on change, groups via collective memory concentrate primarily on continuities between the present and the past.²³ Halbwachs’ life tragically ended in a Nazi concentration camp in 1945, after he protested his Jewish in-laws’ detention in Vichy France.

²⁰ Halbwachs, *On Collective Memory*, ed. and trans. Coser, 193-235.

²¹ Maurice Halbwachs, *The Collective Memory*, trans. Francis J. Ditter, Jr. and Vida Yazdi Ditter (New York: Harper Colophon Books, 1980), 22-49.

²² Halbwachs, *The Collective Memory*, 51-52.

²³ Halbwachs, *The Collective Memory*, 78-87. For more on ways that subsequent scholars have conceptualized the relationship between history and memory, see Geoffrey Cubitt, *History and Memory*. Historical Approaches (Manchester: Manchester University Press, 2007), 26-65.

His ideas remained influential in France, but it was not until the 1980s and 1990s that his work was translated into English, just as scholarly interest in memory increased.²⁴

Although Halbwachs introduced the notion of “historical memory,” he devoted little attention in his writings to ways that memories are transmitted beyond small-scale groups, such as families, which rely primarily on oral conversation to convey information to others that did not witness some aspect of the group’s past. This may have been due to the fact that scholarly attention to transmission was in its infancy when Halbwachs was writing, but would subsequently be developed more fully by anthropologists, folklorists, literary theorist, and media/communication specialists. Much of this literature has analyzed how oral cultures communicate, store, and transmit information about the past—in Halbwachian terms, historical memory—and how the introduction of literacy and textuality changes how historical memory is transmitted across space and time.²⁵ In recent years, scholars have combined these insights with Halbwachs’ ideas, allowing them to recognize that memory itself has a history.²⁶

Scholars have also explored Halbwachs’ arguments in relation to identity formation. Socializing into a group means adopting not only communal norms, but also learning a group’s historical memory.²⁷ Whereas small-scale groups often transmit historical memory orally, large-scale groups such as nations rely on written texts to create, in Benedict Anderson’s term,

²⁴ On Halbwachs’ career and the reception of his work, see Jeffrey K. Olick, Vered Vinitzky-Serouissi, and Daniel Levy, eds., *The Collective Memory Reader* (Oxford: Oxford University Press, 2011), 16-29.

²⁵ See Walter J. Ong, *Orality and Literacy: The Technologizing of the Word* (1982; repr., n.p.: Taylor and Francis e-Library, 2001); Cubitt, *History and Memory*, 175-98.

²⁶ See Pierre Nora, “Between Memory and History: Les Lieux de Memoire,” *Representations* 26 (Spring 1989): 7-24; Jacques Le Goff, *History and Memory*, trans. Steven Randall and Elizabeth Claman (New York: Columbia University Press, 1992); Patrick H. Hutton, *History as an Art of Memory* (Hanover: University Press of New England, 1993).

²⁷ Olick and Robbins, “Social Memory Studies,” 122-26.

“imagined communities.”²⁸ In speeches, monuments, commemorations, pageants, and holidays, national elites invoke a heroic version of the nation’s past that inspires and unifies a diverse and divided citizenry, encouraging patriotism, loyalty, and sacrifice for the national cause.²⁹ French historian Pierre Nora has articulated the concept of *Les Lieux de mémoire* (sites or places of memory), which can be physical locations, but more often in his formulation they are symbolic representations, including such diverse objects as books, tourist sites, calendars, and flags, that tie together French national memory. Nora recruited dozens of scholars and published their essays in seven volumes from 1984 to 1992. Subsequently, the essays were translated and published in English.³⁰ Nora’s work has been influential internationally, with historians in several European countries applying his methodologies to their own settings.³¹

Yet commentators have criticized Nora’s apparent aversion to examining divisive legacies of the French past, notably the nation’s history of imperialism and colonialism. Perhaps because Nora’s interest in France’s places of memory emerged at a time of perceived national decline—as manifested by the Vichy regime’s cooperation with Nazi Germany in World War II, the postwar loss of its overseas empire in the wake of the Vietnamese and Algerian Wars, the crisis of the French Communist Party during the Cold War, and economic stagnation in the 1970s—reviewers have noted a strong dose of nostalgia and cultural conservatism in the essays,

²⁸ Benedict Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism*. 2nd ed. (New York: Verso, 1991).

²⁹ Cubitt, *History and Memory*, 175-76, 222-23.

³⁰ Pierre Nora, “General Introduction: Between Memory and History,” in *Realms of Memory: Rethinking the French Past*, dir. Pierre Nora, vol. 1, *Conflicts and Divisions*, ed. Laurence D. Kritzman, trans. Arthur Goldhammer (New York: Columbia University Press, 1996), 1-23. Pierre Nora, “General Introduction,” in *Rethinking France: Les Lieux de Memoire*, dir. Pierre Nora, vol. 1, *The State*, trans. Richard C. Holbrook (Chicago: University of Chicago Press, 2001), vii-xxxiii.

³¹ Scholars in Italy, Germany, Spain, the Netherlands, and elsewhere have conducted similar projects (Nora, “General Introduction,” in *The State*, xx-xxi).

a longing for a time when national memory was a unifying force.³² Although he attributed the loss of unity to many factors, Nora particularly bemoaned “the emancipation that liberated the minorities,” which replaced national identity with social identities. National memory, “invaded, subverted, and flooded by group memories,” needed to be restored.³³ Nora’s work, therefore, does not provide much guidance into ways that commemoration can challenge historical memory, dividing rather than unify a nation’s disparate parts.

Memory and Power

Scholars have approached the politics of memory in multiple ways.³⁴ Michel Foucault, writing from a poststructuralist position, argued that collective memory is essentially an instrument of the powerful. Although he did not fully elaborate these ideas, he introduced the term “countermemory” to describe ways that people outside of a society’s power structure contest dominant conceptions of the past.³⁵ Yael Zerubavel’s *Recovered Roots: Collective Roots and the Making of Israeli National Tradition* is perhaps the most thorough application of Foucault’s countermemory model. She described ways that modern Israel’s “master commemorative tradition” sought to suppress countermemories. Opposition groups utilized these subversive representations of the past either to replace the current regime or to undergird separatist demands. Zerubavel argued that, even when countermemories are confined to a single

³² Hue-Tam Ho Tai, “Remembered Realms: Pierre Nora and French National Memory,” *American Historical Review* 106, no. 3 (June 2001): 906-22; Barbara A. Misztal, *Theories of Social Remembering* (Berkshire: McGraw-Hill, 2003), 106; Alex Hargreaves, ed., *Memory, Empire, and Postcolonialism: Legacies of French Colonialism* (Lanham, MD: Lexington Books, 2005); Indra Sengupta, ed., *Memory, History, and Colonialism: Engaging with Pierre Nora in Colonial and Postcolonial Contexts* (London: German Historical Institute London, 2009).

³³ Nora, “General Introduction,” in *The State*, xiv-xv.

³⁴ Cubitt, *History and Memory*, 222-31.

³⁵ Michel Foucault, *Language, Counter-Memory, Practice: Selected Essays and Interviews*, ed. Donald F. Bouchard, trans. Donald F. Bouchard and Sherry Simon (Ithaca: Cornell University Press, 1977).

event (rather than an entire commemorative narrative), the debates that ensue have significant implications for broader historical memories.³⁶

Additionally, Foucault discussed ways that ordinary people—those who lack resources to develop their own written historical accounts—record and transmit their memories in oral form, which they use to struggle against power.³⁷ Richard Johnson and fellow members of the Popular Memory Group, a British conglomerate of Marxist scholars, developed Foucault’s ideas further. Their model analyzed dominant or official memories, the representations of the past promoted by governments, the media, museums, historical societies, and other institutions, that uphold the power structure. Johnson emphasized that although dominant memories are powerful, they are neither monolithic nor impervious to challenge and contestation. The Popular Memory Group also discussed ways that ordinary people make sense of the past, emphasizing that white workers, blacks, and women use their memories and historical consciousness to resist oppression.³⁸

American historians have adopted these ideas to the United States, but with qualifications. Michael Kammen in his encyclopedic *Mystic Chords of Memory: The Transformation of Tradition in American Culture* accepted the Popular Memory Group’s description of dominant and popular memories, but argued that prior to the twentieth century, in the United States the government played a relatively small role in controlling collective

³⁶ Yael Zerubavel, *Recovered Roots: Collective Roots and the Making of Israeli National Tradition* (Chicago: University of Chicago Press, 1995), 10-11.

³⁷ “Film and Popular Memory: An Interview with Michel Foucault,” 1974, in Olick, Vinitzky-Serouissi, and Levy, eds., *The Collective Memory Reader*, 252-53.

³⁸ Popular Memory Group, “Popular Memory: Theory, Politics, Method,” in *Making Histories: Studies in History-Writing and Politics*, ed. Richard Johnson, Gregor McLennan, Bill Schwarz, and David Sutton (Minneapolis: University of Minnesota Press, 1982), 205-52.

memory. Even as federal influence over public memory expanded, local, regional, and ethnic voices participated in constructing the past. Kammen, thinking specifically of the Civil War, concluded that Americans tended to depoliticize national memories so as to avoid contention and division. Although he did not explore divisions at great length, he acknowledged that American elites used collective memory to stifle the recollections of African Americans and immigrants undergoing Americanization.³⁹ In *Remaking America: Public Memory, Commemoration, and Patriotism in the Twentieth Century*, John Bodnar placed the struggle between national and local/regional/ethnic memories, which he designated as official and vernacular, respectively, at the center of his analysis. Like Kammen, Bodnar acknowledged that state and federal governments have lacked power to control public memory, but they have increasingly inserted patriotic rhetoric into vernacular commemorations of ethnic homelands and regional pioneers.⁴⁰ David Blight, in his Bancroft Award-winning *Race and Reunion: The Civil War in American Memory*, formulated another important model for memory politics, describing how the former antagonists in the North and South achieved reconciliation and healing while simultaneously forgetting one of the war's primary causes—the struggle over slavery—amnesia that undergirded the imposition of Jim Crow. Although the state had some role in this process, Blight showed that powerful individuals and groups largely defined public memory. However, African-Americans kept emancipation alive in their own communal memories through celebrations such as Juneteenth.⁴¹

³⁹ Michael Kammen, *Mystic Chords of Memory: The Transformation of Tradition in American Culture* (New York: Knopf, 1991). See also Michael Kammen, "Commemoration and Contestation in American Culture: Historical Perspectives," *Amerikastudien/American Studies* 48, no 2 (2003): 185-205.

⁴⁰ John Bodnar, *Remaking America: Public Memory, Commemoration, and Patriotism in the Twentieth Century* (Princeton University Press, 1992).

⁴¹ David W. Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge: Belknap Press of

Scholars have also examined the contested legacies of the Indian Wars. In a series of major works spanning his career, American Studies scholar Richard Slotkin explored the mythology of the frontier in his exhaustive trilogy. Slotkin, analyzing literary texts and other media from the colonial period through the twentieth century, argued that Euro-Americans utilized the notion of “race war,” the inevitable conflict between “civilized” and “savage” peoples, to articulate their “historical memory” in the New World. Euro-Americans then adapted this myth to describe rioting workers and defiant blacks in the nineteenth century, as well as Filipinos, Vietnamese, and Communists in the twentieth. A central figure in the “race war” was Lieutenant Colonel George Armstrong Custer, who Americans memorialized as a “martyr” for the nation in the wake of the Lakota and Cheyenne “massacre” of the Seventh Cavalry at the Little Bighorn on June 25, 1876.⁴² Religious historian Edward Linenthal examined the contested memory of the “Custer Massacre.” The federal government played a key role in memorializing Custer and his men as “heroes who shed their blood for civilization,” by designating the site as a National Cemetery, erecting a monument to those killed, and rendering it a National Monument within the National Parks Service. Veterans and history buffs also invested in Custer’s memory, celebrating anniversaries at “Last Stand Hill” and depicting the event in dime novels, popular art, and films. “Burying the Hatchet” ceremonies—where compliant Natives and eager white veterans shook hands in friendship—reflected the idea among whites that, although the Natives had won the battle, they lost the war and now even former “savages” enjoyed the fruits of

Harvard University Press, 2001).

⁴² Richard Slotkin, *Regeneration through Violence: The Mythology of the American Frontier, 1600-1860* (1973; repr., Norman: University of Oklahoma Press, 2000); Richard Slotkin, “Massacre,” *Berkshire Review* 14 (1979): 112-132; Richard Slotkin, *The Fatal Environment: The Myth of the Frontier in the Age of Industrialization, 1800-1890* (1985; repr., Norman: University of Oklahoma Press, 1994); Richard Slotkin, *Gunfighter Nation: The Myth of the Frontier in Twentieth-Century America* (1992; repr., Norman: University of Oklahoma Press, 1998).

“civilization.” Linenthal also discussed ways that Native activists since the 1976 centennial have re-appropriated Custer as a symbol of American ethnocentrism and genocide, a process that laid a foundation for a new memorial at the Little Bighorn to honor the Indians who fought and died at the site to protect their homeland.⁴³

In *Custerology: The Enduring Legacy of the Indian Wars and George Armstrong Custer*, literary scholar Michael A. Elliott investigated a central irony of the late-twentieth-century United States: in a multicultural, post-Vietnam age that decries militarism and state-sponsored violence, Custer remains a persistent symbol in American collective memory. Because Custer died, white history buffs can continue to celebrate him while also regretting the environmental and human costs of Manifest Destiny. Increasing the irony, Native peoples publicly celebrate the victory at Little Bighorn as a moment of anticolonial resistance and symbol of indigenous sovereignty, while patriotic songs play and American flags wave in the background. This “anti-American Americanism” reflects the complex relationships that tie Native American veterans and their families to the United States. Elliott argued that it was precisely because Custer was killed that these disparate reactions to the man coexist.⁴⁴

More recently, historians of the American West have examined massacres perpetrated by whites against Indians. In *Shadows at Dawn: A Borderlands Massacre and the Violence of History*, Karl Jacoby analyzed the troubling events that led a contingent of white, Hispanic, and O’odham men to massacre over one hundred Apache women and children under federal protection at Camp Grant, Arizona. Jacoby explored Apache history in the context of the US-

⁴³ Edward Tabor Linenthal, “‘A Sore from America’s Past That Has Not Yet Healed’: The Little Bighorn,” in *Sacred Ground: Americans and Their Battlefields* (Urbana: University of Illinois Press, 1991), 127-71.

⁴⁴ Michael E. Elliott, *Custerology: The Enduring Legacy of the Indian Wars and George Armstrong Custer* (Chicago: University of Chicago Press, 2007).

Mexico borderlands, concluding that the Apaches had adapted to Spanish colonialism by adopted a raiding economy, which created resentment among Hispanics and O’odhams. The establishment of American sovereignty in the region led white settlers to plan the massacre in retaliation of alleged depredations committed by the Camp Grant Apaches, which they carried out at dawn with Hispanic and O’odham allies on April 30, 1871. In the second half of the book, Jacoby discussed the numerous ways the four groups have commemorated the massacre. The white perpetrators, many of whom were prominent Arizona citizens, defended themselves from accusations that they had massacred innocent people by insisting that the “Camp Grant Affair” was necessary to eliminate the last threat to “civilization” in the region. They established the territorial pioneer society (precursor of the Arizona Historical Society) in large part to control the historical memory of Camp Grant. Jacoby argued that it was the white perpetrators’ access to writing and conservation technology that allowed them to establish their version of Camp Grant as *the* accepted story of the “affair” and, in the process marginalize, if not completely silence, competing voices. The O’odham preserved their memories in mnemonic calendar stick chronicles, Hispanics sung *corridos* about the massacre, and the Apaches dictated their memories to ethnologists, built a cultural center to tell their story, and inaugurated an annual commemorative run to honor the victims. Jacoby concluded that historians only understand our shared humanity by pondering stories of our inhumanity.⁴⁵

As Ari Kelman demonstrated in *A Misplaced Massacre: Struggling Over the Memory of Sand Creek*, the Sand Creek massacre has been highly controversial since the First and Third Colorado Cavalries, under the command of Colonel John Milton Chivington, slaughtered and

⁴⁵ Karl Jacoby, *Shadows at Dawn: A Borderlands Massacre and the Violence of History* (New York: Penguin Press, 2008). See also Chip Colwell-Chanthaphonh, *Massacre at Camp Grant: Forgetting and Remembering Apache History* (Tucson: University of Arizona Press, 2007).

mutilated some one hundred and fifty Cheyenne and Arapaho men, women, and children on November 29, 1864. The heart of Kelman's book analyzed the revelation in the 1990s that the place that had long been known as the Sand Creek massacre site may not, in fact, have been the location of the killings. The National Parks Service's subsequent search for the actual massacre site, which relied on archival and forensic archaeological data, conflicted with the Cheyenne and Arapaho descendants' understanding of the massacre's location, which was based not only on oral tradition but also the early-twentieth century writings of massacre survivor George Bent. Meanwhile, Colorado Senator and Cheyenne leader Ben Nighthorse Campbell pursued legislation to designate Sand Creek a national historic site. The massacre descendants supported the proposal, but their frustration with the NPS's methods and approach caused them to insist that their historical memories would determine the final design. Additionally, the descendants hoped that the monument would assist their ongoing efforts to obtain reparations for the massacre, which the government had guaranteed in an 1865 treaty, but never paid. Kelman also discussed white opposition to the proposed memorial, which was articulated as a defense of Chivington and a critique of supposed federal overreach and "left-wing revisionism." In spite of the tortuous nature of the commemorative process, the national historic site was ultimately dedicated in 2007, which Kelman attributed to the participants' willingness to continue negotiating over the meaning of Sand Creek in spite of disagreements. He concluded that the struggle to create the monument informed broader discussions about the place of massacres such as Sand Creek in national memory, which predominantly focuses on heroic events such as the Revolution and the Civil War.⁴⁶

⁴⁶ Ari Kelman, *A Misplaced Massacre: Struggling Over the Memory of Sand Creek* (Cambridge: Harvard University Press, 2013).

When applied to Limerick's framework, the literature on collective memory therefore supplies a potent tool for understanding the modern American West as the product of lingering legacies of colonialism and conquest. Echoing Limerick's language, Ned Blackhawk has argued that the West has been scarred by "harrowing, violent histories of Native peoples caught in the maelstrom of colonialism." Historical memories of conquest "remain necessary foundations upon which other narratives must contend. Such painful histories also have contemporary legacies that continue to influence these communities and their descendants."⁴⁷ In this sense, scholarship on the Indian Wars and the politics of memory contributes to the growing literature on the global phenomenon of marginalized groups demanding—and in many cases receiving—recognition from states for past wrongs.⁴⁸

The Politics of Wounded Knee Memory

Representative Francis Case's compensation bill, discussed above, culminating five decades of memory politics over Wounded Knee. This political struggle continued a violent engagement that supposedly had ended in 1890, as the Lakota survivors, despite being marginalized, impoverished, and confined to reservations, strenuously disputed the US government's dominant representations of the event. The survivors' activism in the first half of the twentieth century was shaped by indigenous peoples who utilized the tools of education to "talk back to civilization," in Frederick Hoxie's phrase, and critique the United States' past

⁴⁷ Ned Blackhawk, *Violence Over the Land: Indians and Empires in the Early American West* (Cambridge: Harvard University Press, 2006), 5.

⁴⁸ Jeffrey K. Olick, *The Politics of Regret: On Historical Memory and Historical Responsibility* (New York: Routledge, 2007), 137. See also Elazar Barkan, *The Guilt of Nations: Restitution and Negotiating Historical Injustices* (New York: W. W. Norton, 2000); John Torpey, ed., *Politics and the Past: On Repairing Historical Injustices* (Lanham, MD: Rowman and Littlefield, 2003); Sherry L. Smith, "Reconciliation and Restitution in the American West," *Western Historical Quarterly* 61, no. 1 (Spring 2010): 5-25.

treatment of the Native nations within its borders. These critiques included demands that the United States Court of Claims adjudicate suits for treaty violations. Although the government ceased making treaties with tribal nations in 1871, and subsequently sought to ignore existing treaties, Native peoples used these documents as mnemonic devices to challenge—and even, at times, rectify—past wrongs in court. By the late 1920s, the Court of Claims was overwhelmed by the flood of Indian claims, leading many government officials to advocate creating a special commission to hear such cases, since, they reasoned, allowing the memories of past wrongs to fester hindered the assimilation process. Within this context, the Lakota survivors pursued compensation for the wrong committed at Wounded Knee.⁴⁹

In the wake of Wounded Knee, the remaining members of Big Foot's band engaged in a memory politics already dominated by the United States government and a closely allied press. Labeling the engagement a battle allowed the army to define Wounded Knee as a legitimate use of force against a "hostile" enemy and thereby uphold narratives of American progress and righteous expansion. The Ghost Dance, army officials contended, was a "fanatical" movement that threatened the sovereignty of the United States and required suppression to protect the social order. At Wounded Knee, the Lakota Ghost Dancers had only feigned compliance before opening fire on unsuspecting troops. By drawing upon stereotypes of "treacherous savages," the army not only cast the Lakotas of Big Foot's band as untrustworthy, but also reinforced notions that Natives always attacked innocent whites. When it became apparent that a significant

⁴⁹ See H.D. Rosenthal, *Their Day in Court: A History of the Indian Claims Commission* (New York: Garland Publishing, 1990); Frederick E. Hoxie, ed., *Talking Back to Civilization: Indian Voices from the Progressive Era*. The Bedford Series in History and Culture (Boston: Bedford/St. Martin's, 2001); Christian W. McMillen, *Making Indian Law: The Hualapai Land Case and the Birth of Ethnohistory* (New Haven: Yale University Press, 2007); Kevin Bruyneel, *The Third Space of Sovereignty: The Postcolonial Politics of U.S.-Indigenous Relations* (Minneapolis: University of Minnesota Press, 2007); Frederick E. Hoxie, *This Indian Country: American Indian Activists and the Place They Made* (New York: Penguin, 2012).

number of women and children were among the dead and wounded, the officers of the Seventh Cavalry drew on well-worn arguments to absolve the troops of all responsibility for the deaths of non-combatants. These arguments did not go uncontested, however, with some military and media figures arguing Wounded Knee was actually a horrific massacre, and as such, a military engagement unworthy of the name of “civilized warfare.” In spite of these criticisms, government officials in Washington, D.C. closed ranks, defending and honoring the Seventh Cavalry. In subsequent years, the official memory of Wounded Knee was incorporated into broader narratives of American history, with many commentators interpreting the event as the final moment of indigenous resistance to Euro-American expansion. The violence at Wounded Knee became a necessary precursor to not only national progress, but also to the fulfillment of the nation’s “final promises” to Native peoples: education, Christianity, and ultimate assimilation into national life.⁵⁰ Remembering Wounded Knee in this way rationalized the United States’ colonization of Native peoples and suppressed indigenous counter-memories.

In spite of these obstacles, the survivors’ commitment to memory politics was rooted in Lakota cultural conceptions of mourning and conflict resolution. The Lakotas distinguished between killing in wartime situations, which was deemed acceptable, and killing community members in peacetime, which was murder.⁵¹ In pre-reservation times, relatives of murdered individuals would mourn until the murderer was brought to justice or made atonement by offering compensation. Once restitution was offered and accepted, the mourning relatives could

⁵⁰ See Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880-1920* (Lincoln: University of Nebraska Press, 1984).

⁵¹ See Ella Cara Deloria, “Dakota Treatment of Murderers,” *Proceedings of the American Philosophical Society* 88, no. 5 (November 7, 1944): 368; Angela Cavendar Wilson, *Remember This! Dakota Decolonization and the Eli Taylor Narratives* (Lincoln: University of Nebraska Press, 2005), 187n4.

ritually “forget” their grief and move on.⁵² The survivors of Wounded Knee adapted these cultural beliefs and applied them to their relationship with the United States, demanding restitution for the murders committed on December 29, 1890. They based this argument on the 1868 Treaty of Fort Laramie, which declared that thenceforth the United States and the Lakota Nation would be at peace, and in case of future violations of the agreement, the offending party would rectify any violations of that peace. Beginning in the 1890s and continuing throughout the twentieth century, the remnant of Big Foot’s band filed claims with the government nearly every decade, which resulted in several official investigations and congressional hearings in the late 1930s. In the 1970s and again in the 1990s, their descendants brought their parents’ and grandparents’ claims before the government. To the survivors and descendants, the United States’ refusal to grant compensation reinforced intergenerational grief and expanded the initial wrong committed at Wounded Knee.

Aside from claiming compensation from the government, the survivors found other ways to communicate their memories of the massacre to a broader audience. Beginning in early 1891, whites periodically sought out the “Indian view” of the fight, thereby allowing the remaining members of Big Foot’s band to dictate their memories, which were then translated (usually, but not always, by trusted interpreters) and committed to paper. While these white interlocutors had their own reasons for seeking out their informants, most were sympathetic to the survivors’ interpretations and sought to record their translated words faithfully. The survivors came to see some of these individuals as “good white people” who could help advance their compensation claims. As noted above, twelve years after Wounded Knee the remnant of Big Foot’s band

⁵² Royal B. Hassrick, *The Sioux: Life and Customs of a Warrior Society* (Norman: University of Oklahoma Press, 1964), 48-51; Raymond J. DeMallie, ed., *The Sixth Grandfather: Black Elk’s Teachings Given to John G. Neihardt* (Lincoln: University of Nebraska Press, 1984), 391-94.

dedicated a monument at the site of the mass grave on a hill overlooking the killing field. The obelisk's inscription, which included both English and Lakota texts, framed how future visitors to the site would interpret the deaths that occurred there.

These battles over the meaning of Wounded Knee reflected both Lakota oral culture and white disdain for indigenous historical consciousness. In western culture, committing something to paper, especially soon after the fact, encoded written documents with a certain aura of authoritativeness. In particular, documents created by government officials were deemed legitimate, since these papers became part of the state's "official" record. Indigenous peoples learned through painful experience that the dominant society only saw written treaties as authoritative when convenient. Primarily oral societies, by contrast, recorded their memories in their minds. Elders in such groups required young children to memorize and recite important stories, thereby cultivating important mnemonic mental facilities.⁵³ The Lakotas had ways of ensuring accuracy, by requiring that witnesses who also saw the event in question (or who had learned the same story as a youth) verify, and correct if necessary, stories recounted orally.⁵⁴ Whereas government officials, when confronted with the survivors' claims, would locate written documents recorded in 1890 or 1891 to defend the Seventh Cavalry, the survivors relied on their memories each time they made a claim, rarely citing or building a case based on existing written documents. As a result, white officials, finding disagreement between the government's written records and the Lakotas' oral statements, frequently dismissed claims by arguing that the

⁵³ Wilson, *Remember This!*, 27-28, 36, 94-96.

⁵⁴ H. David Brumble III, *American Indian Autobiography* (Berkeley: University of California Press, 1988), 26-29, 39-41; David Middleton and Derek Edwards, "Conversational Remembering: A Social Psychological Approach," in *Collective Remembering*, eds. David Middleton and Derek Edwards (London: Sage Publications, 1990), 23-45; Peter Nabokov, *A Forest of Time: American Indian Ways of History* (Cambridge: Cambridge University Press, 2002), 52-54; Wilson, *Remember This!*, 43-44, 97; Cubitt, *History and Memory*, 130.

survivors' memories were not accurate. This is not to say that all whites disdained oral testimony, since many recognized that written army documents reflected ethnocentrism and contemporary conditions (i.e., at a time when the soldiers were denying accusations of killing noncombatants), and therefore saw the survivors' memories as more reliable. Even in these cases, however, sympathetic "good white people" ultimately based their arguments on contemporary written documents, albeit interpreted via Lakota historical memories.

This extensive paper trail of claims, testimonies, correspondence, monument inscriptions, and hearing records revealed the survivors "reinventing the enemy's language," since nearly all of these texts were written in English.⁵⁵ Some of the survivors had attended school as children and were thus able to articulate their arguments in the language of their colonizers. Since dominant representations of Wounded Knee had already laid out the basic linguistic terrain, these literate Lakotas reversed and reworked certain key words and images from the official version. Recognizing that government officials had labeled Big Foot's band "hostile" for participating in the Ghost Dance, the Lakotas contended that they were in fact "friendlies," a crucial reversal given that federal officials only granted compensation to those loyal to the government. Finally, knowing that the army argued that the "Battle of Wounded Knee" started when "treacherous" warriors fired on unsuspecting troopers, the survivors consistently described soldiers pursuing and massacring unarmed Lakota men, women, and children.

Colonialism on the Northern Great Plains

Although this study concentrates on competing interpretations that emerged after Wounded Knee, it is helpful to consider here some of the events leading to the 1890 massacre.

⁵⁵ Harjo and Bird, ed., *Reinventing the Enemy's Language*.

The Lakotas felt the impact of European colonialism long before the United States claimed sovereignty over the northern Great Plains with the Louisiana Purchase of 1803. In the 1600s, French explorers and trappers first applied the name “Sioux” to refer to the loose confederation of bands, which called themselves the Seven Council Fires (*Oceti Sakowin*). In the early eighteenth century, Lakota bands (*oyates*) migrated from present-day Minnesota onto the northern plains. Over time, these bands formed and reformed, although seven would become dominant, including the Oglalas, Sicangus (or Brules), Minneconjous, Itazipcos, Oohenumpas (or Two Kettles), Sicasapas (or Blackfeet), and Hunkpapas.⁵⁶ After acquiring guns and horses, the Lakotas displaced the violence of colonialism onto smaller sedentary tribes, which were already weakened by smallpox and other European diseases, allowing the Lakotas to gain control of a large territory rich with beaver and buffalo on the northern plains. When Meriwether Lewis and William Clark reached the region in 1804, they recognized the Lakotas as the principal threat to American expansion into the northern plains.⁵⁷ A half century later, the United States again acknowledged the Lakota nation’s dominance in the 1851 Treaty of Horse Creek, which recognized the tribe’s conquests over other Native nations and its extensive territory covering more than half of present-day South Dakota as well as parts of Nebraska, Wyoming, Montana, and North Dakota.⁵⁸

The 1851 treaty was a colonial device designed to protect overland emigrants and secure

⁵⁶ Jeffrey Ostler, *The Plains Sioux and U.S. Colonialism from Lewis and Clark to Wounded Knee*. Studies in North American Indian History (Cambridge: Cambridge University Press, 2004), 21-23. Sioux serves as an umbrella term that refers to the Lakotas and closely related groups, including the Santee Dakotas, the Yanktons, and Yanktonais.

⁵⁷ Richard White, “The Winning of the West: The Expansion of the Western Sioux in the Eighteenth and Nineteenth Centuries,” *Journal of American History* 65, no. 2 (September 1978): 319-43. On the violent impact of colonialism elsewhere in the early West, see Blackhawk, *Violence Over the Land*.

⁵⁸ Ostler, *The Plains Sioux and U.S. Colonialism*, 19, 36-38.

the government's right to maintain roads and forts in territories controlled by Indians. As white incursions into Lakota lands increased during the 1850s, conflict between the United States and the Lakotas came to a head, resulting in all-out war by the mid-1860s. The primary point of contention was the Bozeman Trail, which miners had been using to cross Lakota territory into Montana. In December 1866, the army suffered a devastating defeat—later known as the Fetterman Massacre—when the Lakotas ambushed and killed eighty soldiers. The United States, fearing an extended military campaign after the Civil War when many wanted to reduce the size of the army, decided to seek peace. Additionally, the government hoped to protect workers building the Union Pacific railroad, which, once completed, would render the Bozeman Trail unnecessary. In 1868, militants under the leadership of Oglala chief Red Cloud signed the Treaty of Fort Laramie, which called for permanent peace between the United States and the Lakotas, established mechanisms to settle disputes and provide compensation for damaged property, defined the boundaries of the “Great Sioux Reservation” (comprising the western half of present-day South Dakota), and promised provisions and farming equipment. Although the treaty reflected some Lakota perspectives, it nonetheless limited Lakota sovereignty and authorized the United States to build railroads within Lakota lands. Those bands that supported the treaty began receiving annuities, which was part of a federal strategy to inculcate dependency and encourage assimilation among Native peoples.⁵⁹

Under the leadership of Hunkpapa medicine leader Sitting Bull and Oglala warrior Crazy Horse, other Lakotas rejected the treaty and continued to oppose American incursions into Lakota lands. Conflict with nontreaty bands came to a head in the early-1870s, when President Ulysses S. Grant moved to seize the Black Hills (where gold had recently been discovered),

⁵⁹ Ostler, *The Plains Sioux and U.S. Colonialism*, 40-58.

which was a religious, economic, and cultural center of Lakota life. The ensuing war included the Lakotas' resounding victory over Lieutenant Colonel George Armstrong Custer at the Little Big Bighorn on June 25, 1876. After a long winter, however, starving tribal militants began surrendering due to lack of provisions and after negotiating some concessions. Sitting Bull and his followers regrouped north of the border in Canada. Humanitarian George W. Manypenny subsequently forced the Lakotas to sign an agreement selling the Black Hills. Although the 1868 Treaty of Fort Laramie specified that three-fourths of the Lakota nation needed to approve any land sales, the commission could only muster ten percent.⁶⁰

During the 1880s, the Lakotas experienced in microcosm the broad assimilationist assault on tribal societies that the government waged against indigenous nations confined to reservations throughout the United States. With the reorganization of federal Indian policy in the decade, the American settler colonial project was fully implemented in Indian Country. As Patrick Wolfe has argued, "invasion is a structure not an event," meaning settlers are immigrants who come to stay, eliminate indigenous competitors for territory, and establish a new colonial society on the expropriated land.⁶¹ This elimination did not always involve outright murder. According to Wolfe, "the settler colonial logic of elimination in its crudest frontier form [was] a violent rejection of all things Indian." Once Indians were confined to reservations, however, the logic of elimination "was transformed into a paternalistic mode of governmentality which, though still sanctioned by state violence, came to focus on assimilation rather than rejection. Invasion became bureaucratized, a paper-trail of tears that penetrated Indian life in the form of

⁶⁰ Ostler, *The Plains Sioux and U.S. Colonialism*, 58-84.

⁶¹ Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8, no. 4 (December 2006): 387-409.

Bureau of Indian Affairs officials rather than the US Cavalry.”⁶² In the 1880s, the government implemented new policies to accelerate Native assimilation.⁶³

Within the Great Sioux Reservation, federal authorities established agencies to distribute treaty annuities, which white officials hoped would induce Lakotas to adopt farming, cattle-raising, and permanent homes in place of seasonal hunting migrations—a transition that would be facilitated by rapidly-disappearing buffalo herds.⁶⁴ These officials coerced families to send their children to schools, both on and off reservations, where their hair was cut, their traditional clothing was exchanged for “citizen clothes,” they were given English names, and punished for speaking Lakota. This effort to “kill the Indian, save the man,” however, resulted in many young Lakota—including future survivors of Wounded Knee—becoming literate in English, a skill they later used to protect against further land loss, seek to regain land which had previously been taken, and to inscribe their memories of a violent past in written form.⁶⁵ Agency officials also attempted to suppress Lakota religious customs, such as the Sun Dance, death rituals, and traditional healing practices, all while encouraging conversion to western religions.⁶⁶ The assimilation program was designed to replace tribal political, cultural, and economic structures

⁶² Patrick Wolfe, “After the Frontier: Separation and Absorption in US Indian Policy,” *settler colonial studies* 1 (2011): 13-14.

⁶³ See Hoxie, *A Final Promise*.

⁶⁴ Ostler, *The Plains Sioux and U.S. Colonialism*, 109-48. Jeffrey D. Means, “‘Indians Shall Do Things in Common’: Oglala Lakota Identity and Cattle-raising on the Pine Ridge Reservation,” *Montana: The Magazine of Western History* 61, no. 3 (Autumn 2011): 3-21.

⁶⁵ Ostler, *The Plains Sioux and U.S. Colonialism*, 149-68; David Wallace Adams, *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928* (Lawrence: University Press of Kansas, 1995); Frederick E. Hoxie, “From Prison to Homeland: The Cheyenne River Indian Reservation before WWI,” *South Dakota History* 10, no. 1 (Winter 1979): 1-24.

⁶⁶ Todd M. Kerstetter, *God’s Country, Uncle Sam’s Land: Faith and Conflict in the American West* (Urbana: University of Illinois Press, 2006), 84-87; Ostler, *The Plains Sioux and U.S. Colonialism*, 169-93.

with individualism.⁶⁷

Transforming indigenous relationships with the land was central to assimilation policy. Because Indians misunderstood the notion of private property, reformers argued, they lacked the traits necessary for civilized life. Additionally, settlers, capitalists, and state and territorial officials pressured the federal government to open up “unused” tribal lands to whites for development. In 1889, a government commission pressured the Lakotas into an agreement that divided the Great Sioux Reservation into six smaller units: the Standing Rock, Cheyenne River, Pine Ridge, Rosebud, Crow Creek, and Lower Brulé reservations. The deal transferred nine million acres—nearly half of the Lakotas' remaining territory—into non-Indian hands. Reflecting the thinking behind the 1887 General Allotment Act, the agreement also provided that each smaller reservation would eventually be divided into one-hundred and sixty or three hundred and twenty acre allotments, one assigned to each head of house, thereby teaching Natives the virtues of private property.⁶⁸

Toward Wounded Knee (*Chankpé Opí*)

By the end of the 1880s, the economic and social situation on the South Dakota reservations had reached a nadir. After a decade of relentless governmental assault on Lakota customs and land base, the steady decline of the buffalo population, drought-induced poor harvests and limited food, and disease took its toll. Furthermore, Congress reduced the Lakotas' beef rations twenty to twenty-five percent for the coming year. The promises of government officials and Lakota leaders who argued for accommodation with whites seemed hollow. In this context, a Paiute prophet named Wovoka preached a powerful message from Pyramid Lake,

⁶⁷ Ostler, *The Plains Sioux and U.S. Colonialism*, 194-216.

⁶⁸ Ostler, *The Plains Sioux and U.S. Colonialism*, 217-42; Hoxie, *A Final Promise*, 41-82.

Nevada: Indians' dead relatives would soon return, disease would be no more, everyone would be young, buffalo and other game would reappear, and, through supernatural means, whites would be removed from the earth. This message spread rapidly from tribe to tribe throughout the West, and various tribes, including the Lakotas, sent delegations to Wovoka for first-hand instruction.⁶⁹ To usher in this millennium, Wovoka advised his disciples to avoiding harming others, to do good to whites, and to perform the *wanági wachípi* (Ghost Dance), which involved fasting and dancing until exhaustion induced a visionary experience.⁷⁰

As the press learned more about the Ghost Dance—and its enthusiastic reception among the tribes—expectations of a conflict of historic proportions emerged. Journalists described the Ghost Dancers as religious fanatics, mentally unstable followers of a false prophet who posed a direct threat to civil society itself. Violence was often seen as a justifiable response to fanaticism. In an American context, indigenous fanaticism threatened Christianity and “civilization,” key components of the American imperial project.⁷¹ Washington, D.C.'s *The Daily Critic* quoted “Captain Trimbleton [..] commandant at Fort Sill [Oklahoma]” as saying that “the greatest Indian uprising of modern times is certainly [*sic*] to come soon.” Five thousand Natives (Trimbleton neglected to identify of which tribes) were performing “a series of incantations and religious orgies” as they waited for the “Great Medicine Man” to come and

⁶⁹ Kerstetter, *God's Country, Uncle Sam's Land*, 88, 90-91; Rani-Henrik Andersson, *The Lakota Ghost Dance of 1890* (Lincoln: University of Nebraska Press, 2008), 31-38.

⁷⁰ Kerstetter, *God's Country, Uncle Sam's Land*, 82-83 Ostler, *The Plains Sioux and U.S. Colonialism*, 243-63; *New Lakota Dictionary*, 611.

⁷¹ See Dominique Colas, *Civil Society and Fanaticism: Conjoined Histories*, trans. Amy Jacobs. Mestizo Spaces/Espaces Métissés (Stanford: Stanford University Press, 1997); Todd Kerstetter, “Spin Doctors at Santee: Missionaries and Dakota-Language Reporting of the Ghost Dance and Wounded Knee,” *Western Historical Quarterly* 28, no. 1 (Spring 1997): 45-67; Kerstetter, *God's Country, Uncle Sam's Land*, 95-103; J. Spencer Fluhman, *“A Peculiar People”: Anti-Mormonism and the Making of Religion in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 2012).

“wipe out the whites and restore to them the ownership of the country.”⁷² The Chicago *Inter Ocean* placed “The Messiah Craze” within a long history of “bogus Messiahs” who offered vain promises of immortality and a coming millennium to their “deluded enthusiasts.” While these “false prophets and pseudo Christs” could be found in all cultures, the Ghost Dance was the latest in a line of Indian “crazes” stretching back to colonial times.⁷³

In late summer 1890—after a severe drought brought crop failures and famine—the Lakotas on various reservations embraced Wovoka's message. Although the Ghost Dance primarily appealed to those Lakota bands with a history of resisting the federal government's assimilation project, disillusioned advocates of accommodation to white demands also joined the Ghost Dancers.⁷⁴ Some observers suggested that the Lakotas twisted Wovoka's peaceful religion into a militaristic cult intent on destroying whites, as evidenced by the adoption of ceremonial Ghost Shirts, which were believed to make their wearers invulnerable to bullets.⁷⁵ Although it is true that the “Lakotas were extremely unhappy and longed for the traditional way of life and for the time before the white man interfered with their lives,” no surviving evidence suggests that they were plotting an uprising.⁷⁶ Ghost Dance camps formed on the Pine Ridge and Rosebud Reservations in the south, with Chief Red Cloud offering tacit support. In the north, Ghost Dancers gathered under the protection of Chiefs Hump and Big Foot on Cheyenne

⁷² “Getting Ready to Fight,” *The Daily Critic* (Washington, DC), September 26, 1890.

⁷³ “The Messiah Craze,” *The Inter Ocean* (Chicago, Illinois), November 23, 1890.

⁷⁴ Andersson, *The Lakota Ghost Dance*, 47-48; Ostler, *The Plains Sioux and U.S. Colonialism*, 272.

⁷⁵ Nelson A. Miles to Adjutant General, November 28, 1890, *Reports And Correspondence Relating To The Army Investigations Of The Battle At Wounded Knee And To The Sioux Campaign Of 1890-1891* (Washington, DC: Government Printing Office, 1975), M-983-1, 1:279, 283. Andersson, *The Lakota Ghost Dance*, 67-73; Ostler, *The Plains Sioux and U.S. Colonialism*, 280-88.

⁷⁶ Andersson, *The Lakota Ghost Dance*, 60; Ostler, *The Plains Sioux and U.S. Colonialism*, 294-97.

River, and on Standing Rock, Sitting Bull was the primarily leader. It is unclear how much these chiefs participated in the dance—Sitting Bull, for example, admitted publicly his failure to experience a vision—but each leader encouraged his followers to dance.⁷⁷ At the movement's height in fall 1890, there were perhaps four to five thousand Ghost Dancers, comprising nearly thirty percent of the Lakota population.⁷⁸

Indian Office agents, many of whom were political appointees with little experience with Indians, responded with alarm to the new movement at the various reservations. President Benjamin Harrison's Interior Department, eager to keep the newly created states North and South Dakota in the Republican electoral column, departed from the policies of previous administrations by allowing local party leaders to appoint Indian agents, rather than tapping them in Washington, D.C. "Home Rule," as Heather Cox Richardson has described this change in policy,

was terrible for the Indians. State officials would simply hand out the lucrative agency appointments to local political supporters. The quality of Indian agents plummeted: the new agents were men who were out of work and money—and were unlikely to be skilled administrators. And because they were local appointees, bred of a culture that was determined to get Indians out of the way of American development, the new agents had no sympathy for their charges.⁷⁹

For example, Daniel F. Royer was a failed South Dakota medical doctor who nonetheless could deliver votes. After his appointment as Pine Ridge Agent in October 1890, Ghost Dancers defied his orders that they cease dancing, causing him to panic and ask for troops to restore order. On

⁷⁷ Andersson, *The Lakota Ghost Dance*, 44, 46, 65, 84.

⁷⁸ Ostler, *The Plains Sioux and U.S. Colonialism*, 274n32 ; Andersson, *The Lakota Ghost Dance*, 76.

⁷⁹ Heather Cox Richardson, *Wounded Knee: Party Politics and the Road to an American Massacre* (New York: Basic Books, 2010), 170.

neighboring Rosebud, temporary agent E.B. Reynolds also suggested the need for troops.⁸⁰

Standing Rock Agent James McLaughlin and Cheyenne River Agent Perain P. Palmer advised that, rather than bring in troops, the reservation police should instead arrest Sitting Bull, Big Foot, and other leaders. McLaughlin, a longtime Indian Office employee and strict administrator of the government's assimilation programs, described Sitting Bull as the "high priest and leading apostle of this latest Indian absurdity."⁸¹ Palmer, a recent appointee, met with Hump and Big Foot to assess the situation. Although Big Foot advocated traditional ways, he was nonetheless a peacemaker who preferred negotiation to violent resistance. Palmer noted that "Big Foot talked freely in regard to the ghost dance, claiming that he was only leading or advising with a view to thoroughly investigate the matters." The agent opined that "Big Foot appeared friendly," but nonetheless labeled the chief a "hostile" leader who should be removed from the reservation.⁸² Palmer's inexperience with Indians led him to vacillate between seeing the Ghost Dance as a threat and considering it harmless, but his recommendation that Big Foot, as a "hostile," be arrested and removed from the reservation shaped perceptions of the chief that ultimately set the stage for Wounded Knee.⁸³

Although military authorities initially hesitated to send soldiers, on November 13 President Benjamin Harrison ordered troops to maintain control of the Lakota reservations, avert an uprising, and protect settlers. Over the next few weeks, as many as seven thousand soldiers—

⁸⁰ Richardson, *Wounded Knee*, 170-71, 176-77. Ostler, *The Plains Sioux and U.S. Colonialism*, 291-92.

⁸¹ Ostler, *The Plains Sioux and U.S. Colonialism*, 292.

⁸² Perain P. Palmer to Commissioner of Indian Affairs, October 29, 1890, M983-1, 1:27-29.

⁸³ See also Andersson, *The Lakota Ghost Dance*, 122-23.

including members of the Seventh Cavalry—arrived on the Lakota reservations.⁸⁴ Since 1876, the Little Bighorn had entered American memory as the hallowed resting place for two hundred and sixty-eight soldiers who shed their blood for American civilization. The War Department designated the grounds as a national cemetery, erected an imposing monument at the site, and awarded twenty-four Medals of Honor to the surviving cavalrymen.⁸⁵ Buffalo Bill reenacted Custer’s Last Stand in his Wild West shows, poets and novelists heralded the “boy general,” and artists rendered his last moments on canvas.⁸⁶ Many observers in late 1890 anticipated a concluding, more favorable, chapter in the Custer saga. “The sending of the Seventh cavalry to the Sioux agency may afford it an opportunity to take long delayed vengeance on Sitting Bull and his warriors,” noted one paper. “Pride in its name and fame as the organization and the memory of the misfortune which befell it on the Little Big Horn in 1876 will give it an increased desire to once again to once again meet Sitting Bull and his braves in deadly combat, and to the cry of ‘Remember Custer.’”⁸⁷

As Jeffrey Ostler has noted, “Because there was no real evidence that the ghost dancers threatened settlers’ lives, the decision to send troops arguably violated Article I of the 1868

⁸⁴ Ostler, *The Plains Sioux and U.S. Colonialism*, 289-301.

⁸⁵ Linenthal, “A Sore from America’s Past,” *Sacred Ground*, 127-71; Jerome A. Greene, *Stricken Field: The Little Bighorn Since 1876* (Norman: University of Oklahoma Press, 2008); “Medal of Honor Recipients: Indian Wars Period,” accessed July 3, 2012, <http://www.history.army.mil/html/moh/indianwars.html>.

⁸⁶ See Brian W. Dippie, *Custer’s Last Stand: The Anatomy of an American Myth* (1976; repr., Lincoln: Bison Books, 1994); Slotkin, *The Fatal Environment*; Joy S. Kasson, *Buffalo Bill’s Wild West: Celebrity, Memory, and Popular History* (New York: Hill and Wang, 2000); Louis A. Warren, *Buffalo Bill’s America: William Cody and the Wild West Show* (New York: Knopf, 2005); Elliott, *Custerology*.

⁸⁷ *The Daily News* (Denver, CO), November 25, 1890. Such calls for vengeance had first appeared in the press in the wake of the Little Bighorn in 1876 (). Buffalo Bill’s Wild West show had ingrained in American culture the idea of avenging Custer, representations of which continued well into the 1890s (see Kasson, *Buffalo Bill’s Wild West*, 244-46).

Treaty,” which pledged the United States to maintain the peace.⁸⁸ While many Lakotas sought security in the agencies, frightened Ghost Dancers congregated in remote villages and in an area of the Badlands known as the Stronghold, northwest of the Pine Ridge Agency.⁸⁹ Although they hoped to survive through the winter using cattle and other supplies confiscated from “friendly” Lakotas who had abandoned their homes for the agencies, army officials successfully exploited divisions among the Ghost Dancers, convincing the majority to surrender by mid-December.⁹⁰ At Cheyenne River, Major General Nelson A. Miles contacted prominent Ghost Dance leader Hump, with whom the general had a prior relationship, and convinced the Minneconjou to abandon the dance and enlist as a government scout.⁹¹ At Standing Rock, Agent McLaughlin sent the agency Indian police to arrest Sitting Bull on December 15, which resulted in the police shooting and killing the Hunkpapa holy man.⁹²

Between one hundred and fifty and two hundred of Sitting Bull’s followers, fearing that they would be pursued and killed, fled to the Cheyenne River Reservation, setting off a chain reaction that led to Wounded Knee. While most of Sitting Bull’s people stopped at the agency to accept provisions, nearly four dozen continued on to Big Foot’s camp. Miles dispatched Lieutenant Colonel Edwin V. Sumner to arrest Big Foot, whom the general identified as dangerous and hostile. However, upon witnessing the impoverished state of Big Foot’s followers and Sitting Bull’s refugees, Sumner believed he could convince the Ghost Dancers to surrender

⁸⁸ Ostler, *The Plains Sioux and U.S. Colonialism*, 300.

⁸⁹ Ostler, *The Plains Sioux and U.S. Colonialism*, 311-12, 314.

⁹⁰ Ostler, *The Plains Sioux and U.S. Colonialism*, 319.

⁹¹ Ostler, *The Plains Sioux and U.S. Colonialism*, 316.

⁹² Ostler, *The Plains Sioux and U.S. Colonialism*, 320-26.

voluntarily and accompany him to the nearby Fort Bennett. He allowed them to camp in their own village on December 22, expecting them to continue with him to the fort the next day. During the night on December 23, however, Big Foot and four hundred followers—nearly two-thirds of whom were women and children—slipped away to the south.⁹³ Members of Big Foot’s band later explained that a local rancher had warned them that soldiers were coming to attack them. Some frightened warriors argued they should flee south to Pine Ridge. Big Foot initially hesitated, stating that he did not want to leave his home, but eventually acquiesced, explaining that Red Cloud had previously promised the Minneconjou chief one hundred horses if he would help settle the Pine Ridge troubles.⁹⁴

Although the band covered fifty miles during the first night and day of travel, on Christmas Day they were forced to stop and rest, since Big Foot had developed pneumonia. After messengers informed Red Cloud at Pine Ridge of the situation, the Oglala chief warned the Minneconjous that soldiers were looking for them. Meanwhile, the remaining Ghost Dancers in the Stronghold, hearing promises of good treatment if they surrendered, continued their steady stream into Pine Ridge.⁹⁵ Despite the waning likelihood of Big Foot joining other “hostiles” in the Stronghold, Miles believed that Big Foot’s move south revealed his hostile intentions. The general ordered that the Minneconjou chief should be located, arrested, and disarmed, authorizing troops to “destroy him” if he resisted. Despite Red Cloud’s warning of soldiers, Big Foot’s illness required the band to move straight for the agency. On December 28,

⁹³ Andersson, *The Lakota Ghost Dance*, 151-52; Ostler, *The Plains Sioux and U.S. Colonialism*, 328-29.

⁹⁴ Frog, statement, January 7, 1891, in “Report of Investigation into the Battle at Wounded Knee Creek, South Dakota, Fought December 29th, 1890,” 65, M983-1, 2:717; Joseph Horn Cloud, statement, October 23, 1906, Richard E. Jensen, ed., *Voices of the American West*, vol. 1, *The Indian Interviews of Eli S. Ricker, 1903-1919* (Lincoln: University of Nebraska Press, 2005), 195.

⁹⁵ Ostler, *The Plains Sioux and U.S. Colonialism*, 330-31.

Major Samuel M. Whitside of the Seventh Cavalry intercepted the Minneconjous, who voluntarily surrendered under a white flag. Whitside met with the ailing chief and demanded that Big Foot's warriors give up their weapons. The chief agreed, but indicated that his men were nervous and would prefer to deliver their guns at Pine Ridge. Unable to force the Indians to disarm, the major moved the Lakotas to a camp on Wounded Knee Creek (*Chankpé Opí*), where they spent a restless night.⁹⁶

The next morning, the Seventh Cavalry, comprised of over five hundred men, surrounded the Minneconjous at Wounded Knee. Colonel James W. Forsyth, who had assumed command of the regiment, ordered Big Foot's warriors, numbering just over one hundred men, to surrender their weapons. The soldiers separated the Lakota men from the women and children, as the warriors began depositing their weapons nearby. Forsyth, believing that the Lakotas were hiding weapons in the camp, ordered a few of his men to search the wagons and tents. As they did so, the troops agitated the women and children, as well as the men who could do nothing for their families.⁹⁷ What happened next would divide Lakotas and whites for the next century and beyond. Chaos reigned as the work of death commenced. When the smoke cleared, at least two hundred Lakota men, women, and children lay dead, some of them miles away from the camp, while twenty-five soldiers had lost their lives. With the Seventh Cavalry's work completed, Wounded Knee would enter the politics of memory, where it would be debated and disputed, defined and redefined for decades to come.

Chapter Overview

Chapter 1, "Honoring the Seventh Cavalry for Wounded Knee," examines the

⁹⁶ Ostler, *The Plains Sioux and U.S. Colonialism*, 333-37.

⁹⁷ Ostler, *The Plains Sioux and U.S. Colonialism*, 338-60.

development of the government's official explanation for the deaths on December 29, 1890. The army classified Wounded Knee as a heroic battle between gallant soldiers over "fanatical" and "treacherous" Lakota Ghost Dancers. Yet, behind the official veneer, the army was deeply divided over what exactly had happened at Wounded Knee. Too many witnesses had seen the slain Lakota women and children, whose bodies had remained on the ground for several days during a blizzard. Some observers suggested that Wounded Knee was in fact a massacre. In January 1891, Major General Nelson A. Miles relieved Forsyth of command and instituted a court of inquiry to assess the colonel's responsibility for both the Lakota and soldier deaths. The Lakota survivors, injured and marginalized, nevertheless found ways to interject their memories of what had happened on December 29, 1890. Ultimately, Secretary of War Redfield Proctor intervened to exonerate the colonel, reinstate him, and establish the War Department's official version of the "Battle of Wounded Knee."

The second chapter, "Competing Sites of Wounded Knee Memory: Fort Riley and Pine Ridge," discusses the emergence of two centers of memorialization in the 1890s. Having survived the controversies surrounding Wounded Knee, Forsyth and the Seventh Cavalry created commemorative traditions through celebrations, public conferrals of twenty Medals of Honor, and the erection of a monument to the soldiers killed on December 29, 1890. Forsyth therefore used commemoration to promote consensus and unity after Miles publicly humiliated him and his men. Joseph Horn Cloud and other Lakota survivors on the Pine Ridge Reservation also memorialized Wounded Knee, but they used commemoration to protest the army's official explanation for the killings. Because Pine Ridge was "Indian Country"—treaty-protected space—the Lakotas accomplished what Forsyth could not: shape interpretation of the site itself. In the decade after Wounded Knee, the survivors engaged the politics of memory by using the

English word “massacre” to define the event in government documents, compensation petitions, and in a monument erected at the Wounded Knee mass grave in 1903.

Chapter 3, “No Thought of Hostility,” carries the analysis of Lakota memory politics into the first two decades of the twentieth century. In 1891, Congress passed legislation compensating “friendly” Lakotas for property destroyed by “roving bands of disaffected Indians” during the troubles of 1890. The survivors filed multiple compensation claims for lost property, resulting in several Indian Office investigations in the new century. The bureaucrats who conducted these inquiries evaluated the petitions within the framework of the “friendly”/“hostile” binary, arguing that because army officials had labeled Big Foot’s band as “hostiles” in 1890, the survivors were ineligible for compensation. Recognizing their powerlessness within this system, the Lakotas sought out “good white people” to record their memories of Wounded Knee and advocate their claims. In the resulting accounts, the survivors argued a central point: the Seventh Cavalry had massacred a “friendly” band of Lakotas in 1890. After working with several sympathetic whites that publicized the Lakotas’ memories, the survivors recruited Lieutenant General Nelson A. Miles. The retired general argued the Lakotas’ cause to Indian Office bureaucrats, resulting in a major investigation of the survivors’ claims in 1920. At stake was whether Inspector James McLaughlin, the bureaucrat assigned to the inquiry, would sustain the army’s 1890 classification of Big Foot’s band as “hostiles” or if the inspector would accept the survivors’ arguments that the army had massacred “friendly” Indians.

The fourth chapter, “Liquidating the Liability of the United States for Wounded Knee,” examines the survivors’ campaign for congressional compensation in the 1930s. The Great Depression and the restructuring of the New Deal’s federal Indian policy created a somewhat favorable environment for the survivors’ claims in the nation’s capital. The Lakotas, drawing on

a new awareness of treaty rights, re-framed their memories of Wounded Knee as a violation of the 1868 Treaty of Fort Laramie. In 1933, Pine Ridge Superintendent James H. McGregor recorded the Lakotas' statements and lobbied the state's congressional leaders, which eventually produced Representative Francis Case's bill to "liquidate the liability of the United States" for Wounded Knee. Two survivors testified in support of this bill in 1938, culminating nearly five decades of memory politics. The army opposed Case's bill, basing their opposition entirely on official documents produced during the Miles-Forsyth controversy of 1891. Although concerned about the potential of setting a precedent for other compensation claims for nineteenth-century massacres, the House Committee on Indian Affairs nonetheless approved the bill. But with the onset of World War II and opposition among fiscal conservatives toward any bill that included payments for Indians, the survivors' window of opportunity closed prematurely.

The Epilogue, "The Survivors' Legacies," summarizes the dissertation's themes via a discussion of their textual legacies, their role in making Wounded Knee an enduring place of memory, and the oral transmission of survivor memory and identity to their descendants. The survivors' accounts dictated to the "good white people" were preserved in archives, where subsequent interpreters utilized them in written histories. The Lakotas' regular commemorations at the monument and mass grave signaled to a broader audience the significance of Wounded Knee as a site of memory, leading white South Dakota boosters to promote the killing fields as a potential tourist attraction. This heightened awareness of the importance of Wounded Knee as a place also led the American Indian Movement to occupy the site in the 1970s as a form of mnemonic protest of treaty violations and memorial affirmation of indigenous sovereignty. Finally, the survivors orally transmitted to their children and grandchildren potent memories of Wounded Knee and instilled in their descendants kinship obligations to remember. In 1976 and

again in 1990 for the centennial, the descendants appeared before Congress seeking justice for their forebears. In the emergent “Age of Apology,” the Lakotas found a national government willing to make some gestures toward reconciliation—including an official “statement of regret” in 1990 and a bill that would have created a tribal national park at Wounded Knee—but the long history of federal duplicity gave some descendants doubts that the park was the best way to honor their ancestors. The second half of the twentieth century was therefore strongly shaped by the Wounded Knee survivors’ prolonged engagement in the politics of memory.

Chapter 1

Honoring the Seventh Cavalry for Wounded Knee

On February 12, 1891, Secretary of War Redfield Proctor issued an official statement on the US Seventh Cavalry's engagement at Wounded Knee Creek, South Dakota, on December 29, 1890. The secretary argued that the fight had started when Minneconjou Lakota Chief Big Foot's "band of savage fanatics," incited by a Ghost Dance medicine man, attacked Colonel James W. Forsyth's unsuspecting troops. The cavalrymen responded to this "treachery" with coolness and discretion, and had protected the Lakota women and children endangered by the warriors' attack. Proctor conceded that a large number of women and children were among the dead; he insisted, however, that the soldiers were not responsible for their deaths, for various reasons. First, when the Lakota men opened fire on the troops, the bullets missed the soldiers and hit fleeing women and children. Second, after the warriors escaped from the surprised troops, they mixed with their families, further endangering the women and children. And third, Proctor argued that, at a distance, the soldiers could not discern the difference between Lakota men and women, due to their similar clothing and appearance. Proctor concluded by commending Forsyth for his leadership at Wounded Knee and praising the cavalrymen for their gallantry in action.¹

The Secretary of War's statement was intended as an authoritative intervention in the intense controversy over what exactly had happened at Wounded Knee on December 29, 1890. In this Gilded Age saga, a cacophony of voices competed for primacy. The earliest written accounts, produced by journalists and army officers, heralded the Seventh Cavalry for a heroic triumph over "treacherous

¹ Secretary of War Redfield Proctor to Maj. Gen. Nelson A. Miles, February 12, 1891, 1-3, *Reports And Correspondence Relating To The Army Investigations Of The Battle At Wounded Knee And To The Sioux Campaign Of 1890-1891* (Washington, DC: Government Printing Office, 1975), M983-2, 2:1130-32.

savages,” while omitting any reference to noncombatant deaths. Reports quickly surfaced, however, of the cavalymen hunting down and killing fleeing women and children. Major General Nelson A. Miles, a longtime critic of “exterminationist” rhetoric and associated army policies, condemned Wounded Knee as “the most abominable military blunder and a horrible massacre of women and children,” relieved Forsyth of command, and instituted a court of inquiry to investigate the colonel’s conduct. Ironically, rather than compiling a record of Forsyth’s incompetence, the inquiry based its report on testimony offered by Forsyth’s officers, who unanimously supported their commander.² The Lakota survivors of Wounded Knee, although peripheral in public discourse, found ways to participate in the struggles over how the event would be remembered. However, it was the power of Proctor’s office that allowed him to elevate a particular interpretation of Wounded Knee—one that, like the age in which the secretary operated, glossed over charges of corruption—to official status while marginalizing competing memories of the killings.³

Wiping Out Inhuman and Bloodthirsty Brutes

The earliest written descriptions of Wounded Knee, recorded within hours of the event, came from journalists who witnessed the fight and Colonel James W. Forsyth of the Seventh Cavalry. These individuals had a great deal of power to shape how Wounded Knee would be remembered. These Gilded Age journalists wielded the cultural authority of the printed word to shape the views of tens of thousands of readers.⁴ As a respected field commander, the colonel enjoyed substantial clout in the

² As quoted in Peter R. DeMontravel, *A Hero to His Fighting Men: Nelson A. Miles, 1839-1925* (Kent, OH: Kent State University Press, 1998), 206.

³ Popular Memory Group, “Popular Memory: Theory, Politics, Method,” in *Making Histories: Studies in History-Writing and Politics*, edited by Richard Johnson, Gregor McLennan, Bill Schwarz, and David Sutton (Minneapolis: University of Minnesota Press, 1982), 207-208.

⁴ Jill A. Edy, “Journalistic Uses of Collective Memory,” *Journal of Communication* 49, no. 2 (Spring 1999): 71-85. See also George R. Kolbenschlag, *A Whirlwind Press: News Correspondents and the Sioux Indian Disturbances of 1890-1891* (Vermillion, SD: University of South Dakota Press, 1990).

army. Sharing a common vocabulary, these early accounts were framed by the logic of “race war”—the struggle between the United States, the embodiment of progress and “civilization,” and Indians, who were marked by inferiority and “savagery.”⁵ The authors assumed that the Seventh Cavalrymen had performed their duty at Wounded Knee and had gallantly conducted themselves according to the laws of civilized warfare: they honored the white flag of truce, they restrained themselves in the face of attack, and they protected noncombatants.⁶ The Lakotas of Big Foot’s band, conversely, demonstrated all the characteristics of “savages”: they violated the white flag and they treacherously attacked unsuspecting soldiers.⁷ Rendered irrational by the Ghost Dance, the warriors were “fanatical” and dangerous, launching their attack against a superior force and in the process endangering their own women and children.⁸ Wounded Knee was therefore a heroic battle, for which the soldiers who gave their lives should be honored.⁹

It has been said that reporters write the first draft of history, and such was the case at Wounded Knee. *Omaha Daily Bee* correspondent Charles H. Cressey claimed to have been “within touching distance of the treacherous devils” during the disarmament. In “A Bloody Battle,” Cressey explained that “while [the disarmament] was going on the warriors held an incantation pow-wow,” by which he meant the Ghost Dance. He noted breathlessly that “all thought of any trouble was evidently wholly out

⁵ Richard Slotkin, *The Fatal Environment: The Myth of the Frontier in the Age of Industrialization, 1800-1860* (1985; repr., Norman: University of Oklahoma Press, 1998), 228-29.

⁶ Gary L. Roberts, “Sand Creek: Tragedy and Symbol,” (PhD diss., University of Oklahoma, 1984), 13, 17-18.

⁷ Slotkin, *The Fatal Environment*, 410-11, 476.

⁸ On the discourse of fanaticism, see Dominique Colas, *Civil Society and Fanaticism: Conjoined Histories*, trans. Amy Jacobs. Mestizo Spaces/Espaces Métissés (Stanford: Stanford University Press, 1997); Todd Kerstetter, “Spin Doctors at Santee: Missionaries and Dakota-Language Reporting of the Ghost Dance and Wounded Knee,” *Western Historical Quarterly* 28, no. 1 (Spring 1997): 45-67; Todd M. Kerstetter, *God’s Country, Uncle Sam’s Land*, 95-103; J. Spencer Fluhman, *“A Peculiar People”: Anti-Mormonism and the Making of Religion in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 2012).

⁹ Tom Pessah, “Violent Representations: Hostile Indians and Civilized Wars in Nineteenth-century USA,” *Ethnic and Racial Studies* iFirst (2013): 1-19.

of mind with the soldiers. About a dozen of the warriors had been searched [for weapons], when, like a flash, all the rest of them jerked guns from under their blankets and began pouring bullets into the ranks of the soldiers.”¹⁰ In Cressey’s view, by catching the soldiers unawares, the Lakotas epitomized the stereotype of “treacherous savages,” or Indians who feigned friendship before attacking opponents.¹¹ By claiming that the warriors had acted treacherously, Cressey was tapping into a long tradition of seeing whites as innocent victims of Indian aggression. Euro-Americans portrayed Indians as inherently warlike, “savages” who launched unprovoked attacks on settlers and soldiers.¹²

The troops showed great forbearance in the face of this onslaught. Cressey related that the Lakotas’ “first volley was almost as one man, so that they must have fired a hundred shots before the soldiers fired one. But how they were slaughtered after that first volley!”¹³ Since the troops were simply defending themselves, they were not responsible for the subsequent carnage. The *Bee* reporter, however, nowhere indicated in his article whether women and children were among the Indians “slaughtered” at Wounded Knee. His language was sufficiently vague that a casual reader might have assumed that the fight was between soldiers and warriors and that women and children had escaped “to the small hills to the southwest.”¹⁴ The *New York Herald*’s Charles W. Allen was likewise vague in his published account, describing the battle in detail but neglecting to mention the fate of women and

¹⁰ W. H. Cressey, “A Bloody Battle,” *Omaha Daily Bee*, December 30, 1890, p. 1. On the various papers that picked up Cressey’s account, see Kolbensschlag, *A Whirlwind Press*, 72-73.

¹¹ On treachery, see Gary B. Nash, “The Image of the Indian in the Southern Colonial Mind,” in *The Wild Man Within: An Image in Western Thought from the Renaissance to Romanticism*, eds. Edward Dudley and Maximilian E. Novak (London: Henry M. Snyder and Co., 1972), 65 and Karen Ordahl Kupperman, “English Perceptions of Treachery, 1583-1640: The Case of the American ‘Savages,’” *The Historical Journal* 20, no. 2 (June 1977): 263-87; Boyd D. Cothran, “Marketplaces of Remembering: Violence, Colonialism, and American Innocence in the Making of the Modoc War,” (PhD diss., University Minnesota, 2012), 39-98.

¹² Richard White, “Frederick Jackson Turner and Buffalo Bill,” in *The Frontier in American Culture*, ed. James R. Grossman (Berkeley: University of California Press, 1994), 7-66; Patricia Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (1987; repr., New York: W. W. Norton, 2006), 35-54.

¹³ W. H. Cressey, “A Bloody Battle,” *Omaha Daily Bee*, December 30, 1890, p. 1.

¹⁴ Cressey, “A Bloody Battle,” *Omaha Daily Bee*, December 30, 1890, p. 1.

children.¹⁵ These reporters composed their “instant histories” within hours of Wounded Knee, transmitted them via telegram that evening, and saw them published the following morning, with papers nationwide copying their articles.¹⁶

In his first account of the engagement, Colonel James W. Forsyth reported to his superiors that some warriors had been killed, but he was silent on noncombatant deaths.¹⁷ On December 30, Major General Nelson A. Miles received word that Forsyth’s men had counted eighty male bodies around the site of the disarmament and had seen other dead warriors in the ravine, but the need to return to the agency precluded a full body count. Miles learned that “the women and children broke for the hills when the fight commenced, and comparatively few of them were hurt.” The cavalrymen had transported thirty-nine women and children to the agency, twenty-one of whom were injured. Forsyth, therefore, strongly implied that no women or children had been killed. Assuming that Wounded Knee was a fight against warriors, Miles concluded that the Lakotas’ “severe loss at the hands of the 7th Cavalry may be a wholesome lesson to the other Sioux.”¹⁸ Writing from Washington, DC, John M. Schofield, Commanding General of the Army (the equivalent of today’s Army Chief of Staff), asked Miles to “give [Schofield’s] thanks to the brave 7th Cavalry for their splendid conduct.”¹⁹

On New Year’s Eve, Forsyth wrote his official Wounded Knee report. The trouble began when a medicine man “in Ghost Dance costume, began an address to which I paid no attention, as the Interpreter [Philip H. Wells] told me he was talking of wiping out the whites. I then made him cease his

¹⁵ Charles W. Allen, “Reckless Braves Slaughtered by the Score,” *New York Herald*, December 31, 1890, 3.

¹⁶ See Kolbensschlag, *A Whirlwind Press*, 72-73.

¹⁷ See Col. James Forsyth to Brig. Gen. John R. Brooke, December 29, 1890, M983-1, 1:758; Brig. Gen. John R. Brooke to Maj. Gen. Nelson A. Miles, December 29, 1890, M983-1, 1:634; Maj. Gen. Nelson A. Miles to Adjutant General (hereafter AG), December 29, 1890, M983-1, 1:633.

¹⁸ Maj. Gen. Nelson A. Miles to AG, December 30, 1890, M983-1, 1:635.

¹⁹ Maj. Gen. Nelson A. Miles to Maj. Gen. John M. Schofield, December 30, 1890, in M983-1, 1:641.

address.”²⁰ After ordering his men to search the one hundred and six warriors, “the bucks made a break, which at once resulted in a terrific fire and a hot fight lasting about twenty minutes, followed by skirmish firing of about one hour,” thereby paralleling the reporters’ descriptions of fanatical treachery.²¹ When the fighting ceased, Forsyth’s men counted ninety dead warriors, and the colonel reiterated that “from the first instant the squaws started for the hills and it is my belief that comparatively few of them were injured,” although he did acknowledge that his men had pursued and killed three Lakotas whose gender “could not be determined.”²² The Seventh Cavalry’s losses included Captain George D. Wallace and twenty-four other soldiers. The colonel closed by praising his men’s “gallant conduct” against “Indians in desperate condition and crazed by religious fanaticism.”²³

Forsyth ensured that his men who died at Wounded Knee received the customary honors. In all, twenty-five cavalymen were killed on December 29, 1890, along with Oscar Pollack of the Hospital Corps.²⁴ Another four members of the Seventh Cavalry died of their wounds by the New Year.²⁵ Newspapers across the country identified the names of the dead, which family members anxiously

²⁰ Col. James Forsyth to Acting Assistant AG (hereafter AAAG), December 31, 1891, M983-1, 2:819.

²¹ Forsyth to AAAG, December 31, 1891, M983-1, 2:819.

²² Forsyth to AAAG, December 31, 1891, M983-1, 2:820.

²³ Forsyth to AAAG, December 31, 1891, M983-1, 2:820.

²⁴ *Seventh Cavalry*: Serg. Maj. Richard W. Corwine. *A Troop*: Serg. Arthur C. Dyer, Pvt. Henry Frey, Pvt. George P. Johnson, Pvt. Michael Regan, and Pvt. James Logan. *B Troop*: Serg. Dora S. Coffey, Pvt. John Costello, Pvt. Ralph L. Cook, Corp. Harry R. Forrest, and Pvt. William S. Mezo. *C Troop*: Pvt. Jan De Vreede. *D Troop*: Pvt. Frank T. Reinecky. *E Troop*: Serg. Robert H. Nettles and Pvt. August Kellner. *I Troop*: Blacksmith Gustav Korn, Pvt. Daniel Twohig, Pvt. James E. Kelley, and Pvt. Pierce Cummings. *K Troop*: Captain George D. Wallace, Serg. William F. Hodges, Pvt. John M. McCue, Pvt. Joseph Murphy, Pvt. William J. McClintock, and Pvt. Philip Schenkey. *Hospital Corps*: Hospital Steward Oscar Pollack. Miles misidentified Pvt. William Adams, K Troop, as wounded, but he was among those killed on December 29, 1890 (Maj. Gen. Nelson A. Miles to AG, January 3, 1891, M983-1, 2:788; “Book of Interments in the Pine Ridge Agency at Pine Ridge, S.D.,” 217-18, accessed December 2, 2010, *US, Burial Registers, Military Posts and National Cemeteries, 1862-1960* [database-online]. Provo, UT, USA: Ancestry.com Operations, Inc., 2012).

²⁵ Three soldiers died during the night march from Wounded Knee to Pine Ridge, including Pvt. Bernard Zehnder and Corp. Albert S. Bone, both I Troop, and Corp. Charles H. Newell, B Troop. Pvt. Herman Granberg, A Troop, died on December 30, 1890 (Maj. Gen. Nelson A. Miles to AG, January 3, 1891, M983-1, 2:788; “Book of Interments in the Pine Ridge Agency at Pine Ridge, S.D.,” 217-18, accessed December 2, 2010, *US, Burial Registers, Military Posts and National Cemeteries, 1862-1960* [database-online]).

read, fearing that their son or husband had made the list.²⁶ Under normal circumstances, these soldiers would have been transported to the nearest military fort and interred in the post cemetery, where the graves would be protected and the headstones maintained by federal authorities.²⁷ However, due to the ongoing campaign (that is, not all of the “hostile” Ghost Dancers had surrendered), on New Year’s Eve thirty of “the brave boys who fell with face to the foe in the bloody encounter at Wounded Knee” were buried in the Pine Ridge Agency cemetery. Colonel Forsyth and Major Samuel M. Whitside led a procession of fifteen wagons bearing the coffined men “away from the camp up to the little cemetery situated at the crest of the hill southwest of the agency.” The ceremony, administered by the local Episcopalian clergy, took place in a “wild, blinding and bitter . . . wintry storm,” requiring that the traditional salute of guns be omitted so as not to alarm the Lakotas. However, “soft notes of the bugle and the wail of the storm whispered the last loving good-by.”²⁸ The thirty standard issue headstones—listing name, rank, company, and regiment—that marked the graves proved to be the first permanent monuments to Wounded Knee.²⁹ In subsequent weeks, other wounded soldiers died on Pine Ridge. On

²⁶ *New York Times*, December 31, 1890, 1; “The Lost at Wounded Knee: List of the Soldiers Killed and Wounded in Monday’s Battle,” *New York Times*, January 1, 1891, 1; “Killed and Wounded,” *Junction City (KS) Republican*, January 2, 1891; “The Indian War,” *Junction City (KS) Republican*, January 2, 1891.

²⁷ See Mark Hughes, *Bivouac of the Dead* (Bowie, MD: Heritage Books, 1995).

²⁸ C.H. Cressey, “The Soldiers’ Funeral,” *Omaha Daily Bee*, January 1, 1891, 1. Initially, the intent was to bury the soldiers by troop, but as wounded soldiers died and others were removed for burial elsewhere, the scheme broke down. Those buried, by lot number, included *Hospital Corps*: Hospital Steward Oscar Pollack (1). *A Troop*: Serg. Maj. Richard W. Corwine (2), Serg. Arthur C. Dyer (3), Pvt. Henry Frey (4), Pvt. George P. Johnson (5), Pvt. Michael Regan (6), and Pvt. James Logan (7). *B Troop*: Serg. Dora S. Coffey (8), Corp. Harry R. Forrest (9), and Corp. Charles H. Newell (10). *C Troop*: Pvt. Jan De Vreede (11). *D Troop*: Pvt. Frank T. Reinecky (12). *E Troop*: Serg. Robert H. Nettles (13) and Pvt. August Kellner (14). *I Troop*: Corp. Albert S. Bone (15), Blacksmith Gustav Korn (16), Pvt. Daniel Twohig (17), Pvt. James E. Kelley (18), Pvt. Pierce Cummings (19), and Pvt. Bernard Zehlinder (20). *K Troop*: Serg. William F. Hodges (21), Pvt. John M. McCue (22), Pvt. Joseph Murphy (23), Pvt. William J. McClintock (24), Pvt. Philip Schenkey (25), and Pvt. William Adams (26). *B Troop*: Pvt. John Costello (27), Pvt. Ralph L. Cook (28), and Pvt. William S. Mezo (29). *A Troop*: Pvt. Herman Granberg (30). See “Book of Interments,” 217-18. Pvt. Dominick Franceschetti (31), G Troop, was killed at the Drexel Mission skirmish on December 30, 1890, and was also buried in the cemetery (Maj. Gen. Nelson A. Miles to AG, January 3, 1891, M983-1, 2:792).

²⁹ See “Graves of Seventh Cavalry Killed at Wounded Knee December 29, 1890,” undated photograph, Wounded Knee Massacre Photographs, RG 2845-19-3, Nebraska State Historical Society, Lincoln, Nebraska.

January 12, 1891, Private Harry B. Stone succumbed, and Private George Elliott passed the following day. Both were buried with their comrades in the Pine Ridge cemetery.³⁰

Not all of the soldiers killed at Wounded Knee were buried with their comrades in the Pine Ridge cemetery. The most famous of the slain, Captain George D. Wallace, received special consideration as an officer.³¹ The department had planned to transport his remains to Fort Riley, Kansas, where Wallace's widow lived. However, the captain's relatives instead transported his body for burial to his home in Yorkville, South Carolina. Wallace was well known nationally, due to his having been with the Seventh since Custer's time. *Harper's Weekly's* obituary appeared on January 17, 1891:

On the 7th of January the body of the gallant officer, which had been sent to his home in Yorkville, South Carolina, draped in the flag of his troop, was buried with solemn ceremonies at that place. The schools of the town and many of the people joined in the funeral procession; and when the well-deserved eulogies had been pronounced, the local military body fired a salute over his grave.”

“His memory,” *Harper's* concluded, “will be dear not only to his regiment, but to the whole army.”³²

Aside from Wallace, family members of four deceased cavalrymen had the bodies disinterred and reburied in family plots, demonstrating that far-flung localities participated in the memorialization of Wounded Knee. First Sergeant Dora S. Coffey's family had him transferred to Bloomington, Indiana, where he was reburied in late January 1891. His obituary noted that “he is no longer a soldier of earth, but has joined the great army of the eternal shore.”³³ Private James E. Kelley's relations had him removed and re-interred in Chicago, Illinois.³⁴ Private William J. McClintock's father recovered

³⁰ Pvt. Harry B. Stone, B Troop, replaced Pvt. James E. Kelley in Lot 18, after Kelley's family members retrieved his body. Pvt. George Elliott, K Troop, was buried in Lot 32 (“Book of Interments,” 217-18).

³¹ Jerome A. Greene, *Stricken Field: The Little Bighorn Since 1876* (Norman: University of Oklahoma Press, 2008), 21.

³² “Captain G.D. Wallace,” *Harper's Weekly* 35 (January 17, 1891), 41-42.

³³ *Bloomington (IN) Telegraph*, January 27, 1891, 4. I am indebted to Marilyn W. Grua for the information regarding the reburials of these four soldiers.

³⁴ See “He Died Fighting the Indians,” *Chicago Daily Tribune*, January 23, 1891, 6.

his son's body, and at a funeral held in Freedom, Ohio, "the flag was at half mast. The casket was draped with the stars and stripes in honor to the Soldier whom in the flush of youth had gone out to bear arms against the foes of the country."³⁵ Lastly, Private Philip Schwenky's body was reburied in Orange, New Jersey.³⁶ In all, thirty-four Seventh Cavalrymen, plus one member of the Hospital Corps, either died at Wounded Knee or subsequently succumbed to their wounds.³⁷

The press heralded the fallen soldiers as heroes of white civilization. "The twenty-five white soldiers killed on Monday [December 29, 1890] were worth to the country all the savage red bucks in the United States. . . . [Captain Wallace] sold his life dearly and bravely. One such hero is worth all the Indians in Dakota."³⁸ The *Junction City Republican*, the "hometown" newspaper of the Seventh Cavalry at Fort Riley, reported that their "battle cry was 'Remember Custer!' and they slaughtered the Indians in all directions."³⁹ Consoling, the *Republican* noted that

although many of the brave soldiers who left Fort Riley a short time ago will never return, the slaughter is on the other foot this time, and Custer and his boys are avenged after an interval of fourteen years. Be it remembered that the Indians were the first to start firing, and they are responsible for the result. If the wiping out of a few hundred of these inhuman and bloodthirsty brutes will bring peace, safety and prosperity to thousands of industrious families in the northwest, then the sacrifice of the lives of our officers and privates will not be in vain.⁴⁰

Together, the media and army officers forged a memory of Wounded Knee that intimately tied the sanctifying deaths of the troops to civilization's victory over savagery.

³⁵ "Freedom," *Garrettsville (OH) Journal*, February 5, 1891.

³⁶ *Orange (NJ) Journal*, February 7, 1891.

³⁷ Sergeant Henry Howard, I Troop, and Sergeant Alvin H. Hazelwood, A Troop, died of their wounds at Fort Riley and were buried in the post's cemetery ("Army News," *Junction City [KS] Republican*, January 9, 1891; *Democratic Sentinel [Junction City, KS]*, January 29, 1891; "Death of Haselwood," *Democratic Sentinel [Junction City, KS]*, March 19, 1891).

³⁸ "Newspaper Comment," *Junction City (KS) Republican*, January 9, 1891.

³⁹ "War With the Savages," *Junction City (KS) Republican*, January 1, 1891.

⁴⁰ "The Indian War," *Junction City (KS) Republican*, January 2, 1891.

“A Sioux Squaw is as Bad an Enemy as a Buck”

Even before the ink had fully dried on Forsyth’s December 31 official account of Wounded Knee, observers were raising questions about the major lacuna in his story—namely, the fate of women and children in Big Foot’s band. As Lakota scouts and injured survivors of Wounded Knee made their way back to the agency, they shared chilling stories of soldiers hunting down fleeing noncombatants, which reporters quickly published in newspapers.⁴¹ Such allegations would not have been considered news a few decades earlier, since “collateral damage” had long been part of Indian-white warfare. During the Civil War, however, a burgeoning reform movement began applying the word “massacre” to such killings as part of a broader critique of the government’s poor treatment of Native peoples. Reformers knowingly shocked their audiences with this language, since most whites associated massacres with bloodthirsty “savages” who delighted in cruelty and indiscriminate murder of innocents. The rhetoric aggravated anxieties that Anglo-Americans—supposedly the most advanced race with the most advanced nation in world history—was regressing into “barbarism.” By condemning soldiers’ mass killings, reformers sought to preserve their own views of America’s greatness by casting atrocities as aberrations incidental to the nation’s progress.⁴²

Journalists and army officials vigorously disputed these charges, arguing that women and children were not harmless and innocent bystanders. Americans, after all, were in a race war with “savages” for control of the continent. Many absolved troops by arguing that the laws of civilized warfare did not apply to Indians, which required otherwise honorable soldiers to use the “savage’s” methods to effectively combat their enemies. Others insisted that the nation’s soldiers actually obeyed

⁴¹ Thomas H. Tibbles, “All Murdered in a Mass,” *Omaha World-Herald*, December 30, 1890; Bright Eyes, “Horrors of War,” *Omaha World-Herald*, January 2, 1891.

⁴² Roberts, “Sand Creek,” 1-34; Slotkin, *The Fatal Environment*, 476; Karl Jacoby, *Shadows at Dawn: A Borderland Massacre and the Violence of History* (New York: Penguin, 2008), 223-24; Ari Kelman, *A Misplaced Massacre: Struggling Over the Memory of Sand Creek* (Cambridge: Harvard University Press, 2013), 213-18.

the rules of enlightened warfare—even when women and children died—since when fighting Indians, there were no noncombatants. Native women and children fought alongside the warriors. It should be noted that, while it was acceptable in Native American societies for women to participate in warfare, such “manly-hearted women” were rare.⁴³ In the face of reformers’ accusations, army officials drew on these stock justifications to defend their men in the field. In some cases, when evidence glaringly undermined their arguments, the army scapegoated middling officers, with the most famous example being the official investigation and condemnation of Colonel John Milton Chivington in the wake of the Sand Creek Massacre of 1864 (although Chivington ultimately left the army before receiving formal censure). But in most instances, army officials closed ranks against the reformers’ accusations. It was generally assumed that commanding officers would not accuse their subordinates of committing massacre. Scapegoating middling officers and closing ranks effectively constructed massacres of Indian women and children as isolated events, rather than a structural result of the United States’ relentless expansionism.⁴⁴

This context shaped Forsyth’s and his media allies’ subsequent attempt to control the memory of Wounded Knee in the face of alternative accounts of the fight.⁴⁵ *Omaha World-Herald* reporter Thomas H. Tibbles, in an article entitled “All Murdered in a Mass,” reported that “the Indian scouts who have come in say that but few of Big Foot’s band are left.”⁴⁶ Tibbles was deeply sympathetic to

⁴³ Royal B. Hassrick, *The Sioux: Life and Customs of a Warrior Society* (1964; repr., Norman: University of Oklahoma Press, 1967), 32, 39; Beatrice Medicine, “‘Warrior Women’—Sex Role Alternatives for Plains Indian Women,” in *The Hidden Half: Studies of Plains Indian Women*, eds. Patricia Albers and Beatrice Medicine (Lanham, MD: University Press of America, 1983), 267-80; Laura Jane Moore, “Lozen: An Apache Warrior Woman,” in *Sifters: Native American Women’s Lives*, ed. Theda Perdue (Oxford: Oxford University Press, 2001), 92-107.

⁴⁴ Richard Slotkin, “Massacre,” *Berkshire Review* 14 (1979): 112-132; Roberts, “Sand Creek,” 1-34; Slotkin, *The Fatal Environment*, 476; On army defenses for killing non-combatants, see Sherry L. Smith, *The View from Officers’ Row: Army Perceptions of Western Indians* (Tucson: University of Arizona Press, 1991), 68-72; Jacoby, *Shadows at Dawn*, 223-24; Kelman, *A Misplaced Massacre*, 9-18, 41.

⁴⁵ See Michael Schudson, “The Past in the Present and the Present in the Past,” *Communication* 11 (1989): 105-13.

⁴⁶ Tibbles, “All Murdered in a Mass,” *Omaha World-Herald*, December 30, 1890.

the plight of Native peoples and had long played a significant role in publicizing government wrongs against Indians.⁴⁷ With his wife, Susette “Bright Eyes” LaFlesche, Tibbles visited wounded Lakota survivors being treated in an Episcopal Chapel-turned-hospital in Pine Ridge. Bright Eyes was a mixed-race Omaha woman, a journalist like her husband, and a staunch advocate of Indian rights. The survivors described to the Tibbles how the soldiers killed their families. Additionally, the Seventh Cavalry had left dead and dying Lakotas on the ground, some of whom may have still been alive.⁴⁸

Heavy snows had fallen on the night of December 29, precluding burial of the bodies for several days. Charles A. Eastman, a Dakota doctor practicing at Pine Ridge, led a team in search of survivors on January 1, 1891. Eastman later described finding “the body of a woman completely covered with a blanket of snow” three miles from Wounded Knee. As they approached the killing field, they “found [more bodies] scattered along as they had been relentlessly hunted down and slaughtered while fleeing for their lives.”⁴⁹ Many of his Lakota companions, seeing dead relatives, began mourning and sing death songs.⁵⁰ The party discovered nine Lakotas, including infants, who had remarkably survived the sub-freezing temperatures.⁵¹

When a burial party finally visited the killing field on January 3, they saw bloodied bodies strewn across the ground, in a ravine, and even in the distant hills.⁵² Photographers captured images of

⁴⁷ Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880-1920* (Lincoln: University of Nebraska Press, 1984), 4-9.

⁴⁸ Bright Eyes, “Horrors of War,” *Omaha World-Herald*, January 2, 1891; Dorothy Clarke Wilson, *Bright Eyes: The Story of Susette LaFlesche, an Omaha Indian* (New York: McGraw-Hill, 1974).

⁴⁹ Charles A. Eastman (*Ohiyesa*), *From the Deep Woods to Civilization: Chapters in the Autobiography of an Indian* (Boston: Little, Brown, and Company, 1916), 111.

⁵⁰ Eastman, *From the Deep Woods*, 111-13.

⁵¹ W.H. Cressey, “The Beginning of the End,” *Omaha Bee*, January 2, 1891.

⁵² W.H. Cressey, “Rumors of a Skirmish,” *Omaha Daily Bee*, January 3, 1891; “Thirsting for Blood Now,” *Omaha World-Herald*, January 4, 1891; Carl Smith, “A Resume of the Horrors Found on the Battle Field by the Burial Corps.,” *Omaha World-Herald*, January 5, 1891.

the dead—including the medicine man and Big Foot—and the bodies piled in the mass grave on a nearby hill, which newspapers and illustrated magazines published over the coming days and weeks across the nation.⁵³ To augment the appeal of the pictures, the photographers rearranged the bodies to portray the Lakotas as hideous “savages,” treacherous even in death. One picture showed the dead medicine man propped up against another body with a gun placed next to him. The *Omaha World-Herald*’s Carl Smith stated that the medicine man

had a face which was hideous to view. It gave you a shiver just to glance at it. It was the face of an old man, sharp drawn and wrinkled. The look of a demon was there, but it was not that which caused the remarks of fear and horror, but the face was painted a horrible green. It looked like blue mold and like poison. You could imagine all sorts of supreme villainy and make the head which bore that face its temple. Blood was mingled with the paint and washed red rivers in the coating. He had originally fallen on his face, and he must have lain in that position for sometime, as it was flattened on one side. His hands were clenched, and his body seemed to have a tense appearance. One hand was raised in the air.

Smith also described Big Foot, who “was shot through and through,” lying “in a sort of solitary dignity” for his photograph.⁵⁴

Evidence at the scene indicated that friends and relatives of the deceased had removed or already buried as many as fifty additional bodies, increasing the total number of dead to above two hundred. The burial party interred one hundred and forty-six bodies in a mass grave on a nearby hill, including eighty-two men and sixty-four women and children.⁵⁵ Ethnographer James Mooney later described the interment:

A long trench was dug and into it were thrown all the bodies, piled up one upon another like so

⁵³ Smith, “A Resume of the Horrors,” *Omaha World-Herald*, January 5, 1891. See William E. Huntzicker, “The ‘Sioux Outbreak’ in the Illustrated Press,” *South Dakota History* 20, no. 4 (1990): 299-322; Richard E. Jensen, R. Eli Paul, and John E. Carter, *Eyewitness at Wounded Knee*. The Great Plains Photography Series (Lincoln: University of Nebraska Press, 1991) and Christina Klein, “‘Everything of Interest in the Late Pine Ridge War Are Held by Us for Sale’: Popular Culture and Wounded Knee,” *Western Historical Quarterly* 25, no. 1 (Spring 1994): 45-68.

⁵⁴ Smith, “A Resume of the Horrors,” *Omaha World-Herald*, January 5, 1891.

⁵⁵ Capt. F. A. Whitney to AAAG, January 3, 1891, M983-1, 2:824; Maj. Gen. Nelson A. Miles to AG, January 5, 1891, M983-1, 2:814; W. H. Cressey, “Omens of Bloodshed,” *Omaha Daily Bee*, January 6, 1891.

much cordwood, until the pit was full, when the earth was heaped over them and the funeral was complete. Many of the bodies were stripped by the whites, who went out in order to get the 'ghost shirts,' and the frozen bodies were thrown into the trench stiff and naked.

In contrast to the treatment accorded the soldiers' bodies, no one, at least in the English-speaking world, deemed it appropriate to record the Lakotas' names, respect their bodies and clothing, notify their grieving families, bury them in single plots with headstones, or provide a fitting funeral. In Mooney's words, "They were only dead Indians."⁵⁶

How those Indians died, however, demanded some explanation. Although Cressey, Allen, and Forsyth had hoped to obscure any reference to killed noncombatants, others directly countered allegations of a massacre, drawing on stock justifications to defend the soldiers. The *Lincoln State Journal's* William F. Kelley, who was present during the fight, explicitly acknowledged that the cavalrymen pursued "men, women, and children," as the Hotchkiss cannon shelled the fleeing people. The soldiers were "shooting them down wherever found, no quarter given by anyone." Kelley justified the killings as the consequence of the warriors' treachery. "It is doubted that if before night either a buck or a squaw out of all of Big Foot's band will be left to tell the tale of this day's treachery. The members of the Seventh cavalry have once more shown themselves to be heroes in deeds of daring."⁵⁷ The *Bee* reporter Cressey, making up for his initial avoidance of the subject, argued on December 31 that women and children "were not killed with particular intent, notwithstanding that they had been running around with scalping knives trying to stab the soldiers. They were killed principally by reason of being so mixed with squads of bucks that made dashes to the ravines and were mowed down by the battery."⁵⁸ The *Indianapolis Journal* deemed the noncombatant deaths "deplorable" yet justified, since

⁵⁶ James Mooney, *The Ghost-Dance Religion and Wounded Knee*, in *Fourteenth Annual Report of the Bureau of Ethnology to the Smithsonian Institution, 1892-93* (Washington, DC: GPO, 1896), 878 and plate C.

⁵⁷ *Lincoln State Journal* (Lincoln, NB), December 30, 1890, reprinted in *Omaha World-Herald*, December 30, 1890.

¹⁷ W. H. Cressey, "A Deadly Triangle," *Omaha Daily Bee*, December 31, 1890.

the Lakotas' "sudden attack in this case was in keeping with many others in which they have violated flags of truce or assassinated those who were trying to befriend them."⁵⁹

These public charges and countercharges concerned Major General Nelson A. Miles, who with limited information had initially praised the Seventh Cavalry's conduct at Wounded Knee. Moving his headquarters from Rapid City to the Pine Ridge Agency had delayed his response to Schofield's December 30 congratulatory telegram to the Seventh Cavalry, but on New Year's Day Miles relayed to his superior that "the action of the Col. Commanding [Forsyth] will be a matter of serious consideration and will undoubtedly be the subject of investigation [and] I thought it proper to advise you in view of above facts." Due to Forsyth's "fatally defective" disposition, or arrangement, of the troops, Miles believed that at least some of the colonel's men had died from friendly fire. Furthermore, contrary to the colonel's official report, "a very large number of women and children were killed in addition to the Indian men."⁶⁰ Schofield responded that President Benjamin Harrison "hope[d] that the report of the killing of women and children in the affair at Wounded Knee [was] unfounded," and authorized Miles to conduct "an immediate inquiry and report the result to the Department." If Miles found evidence of "unsoldierly conduct," he was to relieve the "responsible officer" of his command.⁶¹

Miles' decision placed him at odds with his mentor, Civil War hero William Tecumseh Sherman. In early January the retired general wrote to his niece, Mary Sherman Miles, suggesting that her husband kill all Lakotas who "dare[d] disturb the progress of this country." The more he killed, the fewer he would have to kill later.⁶² Sherman's counsel reflected the prevalent notion that the United States was waging "race war" against inferior "savages" for the future of North America, which in

⁵⁹ As quoted in "Lessons of Wounded Knee," *Daily Inter Ocean (Chicago)*, January 2, 1891.

⁶⁰ Maj. Gen. Miles to Maj. Gen. Schofield, January 1, 1891, M983-1, 2:785.

⁶¹ Maj. Gen. Schofield to Maj. Gen. Miles, January 2, 1891, M983-1, 2:777.

⁶² Quoted in DeMontravel, *A Hero to His Fighting Men*, 206.

essence was a war of extermination.⁶³ He disapproved of Miles's decision to relieve Forsyth of command "because some squaws were killed." Sherman argued that "squaws have been killed in every Indian war." To justify such killings, Sherman drew on the common claim that even the best soldiers could not distinguish Indian men from women in a fight.⁶⁴

Miles ignored Sherman's advice and selected his close ally Captain Frank Baldwin, acting assistant inspector general, as well as Jacob Ford Kent, division inspector general, to head the inquiry.⁶⁵ The major general charged the two men with investigating three issues: first, whether Forsyth's placement of Troops B and K between the warriors and the women and children had caused friendly-fire casualties; second, whether any noncombatants "were unnecessarily injured or destroyed"; and third, whether Forsyth had complied with three orders Miles issued in late November and early December—weeks before Wounded Knee—that instructed field officers to not allow their men to mix with Indians and to guard against surprise or treachery. Had Forsyth obeyed these orders, Miles contended, Wounded Knee would have been avoided.⁶⁶ Miles hoped to counter the emerging view that Wounded Knee was a heroic battle with a competing interpretation of incompetent leadership and unnecessary deaths of soldiers and noncombatants.

Miles' investigation of Forsyth violated the unwritten army rule that commanders support their officers against accusations of killing noncombatants. After the Marias or Piegan Massacre, where Colonel Eugene M. Baker's Second Cavalry destroyed a peaceful Piegan village on the Marias river in Montana Territory on January 23, 1870, allegations quickly spread that of the one hundred and seventy-

⁶³ Slotkin, *The Fatal Environment*, 360-61.

⁶⁴ Quoted in DeMontravel, *A Hero to His Fighting Men*, 206.

⁶⁵ Robert Wooster, *Nelson A. Miles and the Twilight of the Frontier Army* (Lincoln: University of Nebraska Press, 1993), 188-89.

⁶⁶ "Report of Investigation Into the Battle at Wounded Knee Creek, South Dakota, December 29, 1890," 1, M983-1, 2:653; Maj. Gen. Nelson A. Miles to AG, January 5, 1891, M983-1, 2:81.

three Piegans killed, only fifteen had been able-bodied warriors, with the rest being elderly men, women, and children.⁶⁷ Baker's commanding officer, Major General Philip H. Sheridan, commander of the Division of the Missouri, vigorously defended his subordinate from Eastern humanitarians who argued that, as civilized and Christian soldiers, the US Army should not target innocent noncombatants.⁶⁸ Sheridan did not deny that the army sometimes killed women and children, but he excused the deaths as accidental and utilized well-worn stereotypes of Indian women. He explained that the army's most successful tactic was the surprise attack on Native villages during the winter months, when tribes were hampered by limited mobility. These attacks punished the guilty for thefts, murders, and rapes. If women and children died, it was not the fault of soldiers, but of the warriors who had committed these crimes against whites. In addition, Sheridan argued that Indian females fought as aggressively as men, which rendered them combatants.⁶⁹ In the midst of public outrage over killing women and children, Sheridan and other high-ranking army officials such as Commanding General of the Army William T. Sherman assured Baker "that no amount of clamor [had] shaken [their] confidence" in him and his officers.⁷⁰ Baker's career survived, although he did not advance in rank before his 1884 death.⁷¹

Miles was not cut of the same cloth as Sheridan or Sherman. A successful commander during

⁶⁷ On the Marias Massacre and its aftermath, see W. B. Pease to Alfred Sully, February 6, 1870, in US Congress, Piegan Indians, 41st Cong., 2nd sess., 1870, H. Ex. Doc. 185, 7; Paul Hutton, "Phil Sheridan's Pyrrhic Victory: The Piegan Massacre, Army Politics, and the Transfer Debate," *Montana: The Magazine of Western History* 32, no. 2 (Spring 1982): 32-43; Andrew R. Graybill, *The Red and the White: A Family Saga of the American West* (New York: W. W. Norton, forthcoming).

⁶⁸ Hutton, "Phil Sheridan's Pyrrhic Victory," 39.

⁶⁹ Phil Sheridan to William Sherman, February 28, 1870 and Sheridan to Sherman, March 18, 1870, in US Congress, Piegan Indians, 41st Cong., 2nd sess., 1870, H. Ex. Doc. 269, 9, 70-71.

⁷⁰ Sheridan to E.D. Townsend, April 19, 1870, in U.S. Congress, Piegan Indians, 41st Cong., 2nd sess., 1870, H. Ex. Doc. 269, 74. See also Sherman to Sheridan, March 28, 1870, in U.S. Congress, Piegan Indians, 41st Cong., 2nd sess., 1870, H. Ex. Doc. 269, 72.

⁷¹ Hutton, "Phil Sheridan's Pyrrhic Victory," 42-43.

the Civil War, Miles was transferred to the West in 1868. Although he employed the winter campaign tactics advocated by Sheridan, Miles rejected the notion that Indians required violent subjugation before submitting to treaties and reservation life. In Miles' view, Indians fought whites—not because indigenes were inherently warlike—but because the government too often failed to uphold treaty obligations. The army's role was to clean up the government's messes, convince the Natives that resistance was useless, and clear the way for civilization. But he rejected the idea that violence was necessary to do this, arguing that he did “not believe in the old army theory of destroying the whole [Indian] race.” He instead advocated diplomacy to end Indian campaigns, which contributed to the successful conclusions of the Red River War of 1874, the Great Sioux War of 1876-77, the Nez Percé War of 1877, and the Geronimo Campaign of 1886.⁷² Like most of his contemporaries, he held that Indians could be treacherous and fanatical, but he believed that competent military leaders could reason with Natives. Miles may have preferred diplomacy against indigenous enemies, but he was not averse to criticizing junior officers or even superiors when it was to his advantage. The major general's dislike of Forsyth stretched back several years, suggesting personal animosity informed the investigation.⁷³ Miles, confident the court would ultimately condemn Forsyth, relieved the colonel on January 5.⁷⁴

The War Department, upon realizing the full extent of Miles' plans, attempted to reign in the general. Schofield telegraphed Miles on January 6 that “it was not the intention of the President to appoint a court of inquiry. . . . You were expected yourself first to inquire into the facts and in the event of its being disclosed that there had been disorderly conduct, to relieve the responsible officer.”⁷⁵ Despite explicit disapproval from his superiors, Miles moved forward with the investigation, arguing

⁷² Wooster, *Nelson A. Miles*, 69, 72, quote on 74, 84-85, 89, 91-93, 104, 150-52, 182.

⁷³ Wooster, *Nelson A. Miles*, 72, 82, 85, 89-90, 96-97, 123, 154-55, 188.

⁷⁴ Maj. Gen. Nelson A. Miles to Maj. Gen. John M. Schofield, January 5, 1891, M983-1, 2:811.

⁷⁵ Maj. Gen. John M. Schofield to Maj. Gen. Nelson A. Miles, January 6, 1891, M983-1, 2:828.

that the inquiry was authorized under army regulations.⁷⁶ Several unnamed officials complained to the press that Miles' move was unnecessary and unfair to his men. Although the quoted individuals were not at Wounded Knee, they relied on time-tested army defenses of killing Indian women and children. "Women and men look very much alike in their blanket costume, and the former are quite as fierce fighters as the men. A Sioux squaw is as bad an enemy as a buck at times. Little boys, too, can shoot quite as well as their fathers." Miles' prosecution of Forsyth, another officer complained, would force field commanders to justify the deaths of every Lakota killed in battle.⁷⁷

The Inquiry

When Baldwin and Kent opened the inquiry on January 7, 1891, Forsyth's omission in his official Wounded Knee report of noncombatant deaths was no longer defensible. Since it was at that point indisputable that the Seventh Cavalry had killed women and children, the inquiry's primary objective was to determine whether the Seventh Cavalry had "unnecessarily injured or destroyed" noncombatants. However, the principal witnesses were men who held an important stake in the outcome: Forsyth's own subordinates. From January 7-10, Baldwin and Kent, with Forsyth present but mostly silent, interviewed eighteen army witnesses—fifteen Seventh Cavalry officers, one First Artillery officer, and two assistant surgeons. Incriminating their commanding officer ran not only counter to the army's unwritten rules of loyalty, but also placed the witnesses in the precarious position of potentially implicating themselves and their fellow soldiers.

The officers evidently coordinated their testimonies in advance. Meded Swigert, a civilian who witnessed Wounded Knee, later alleged that "this affair on the W.K. was hushed up" in order "to shield" Forsyth during the inquiry. "There was anxiety to keep a part of the truth from the public; this was evident from the uneasiness manifested by some in authority." Although Swigert did not specify

⁷⁶ Maj. Gen. Nelson A. Miles to Maj. Gen. John M. Schofield, January 6, 1891, M983-1, 2:826.

⁷⁷ Carl Smith, "The Forsythe Inquiry," *Omaha World-Herald*, January 10, 1891.

what exactly had been “hushed up,” he described seeing soldiers falling to friendly fire, cavalrymen shooting fleeing men, women, and children, and the artillery targeting fleeing Lakotas. The court of inquiry had been charged to investigate these very charges, and the witnesses, by and large, denied that they had occurred.⁷⁸ Ironically, Miles had provided Forsyth’s allies with a forum where their memories, perceived as subjective, ephemeral, and unreliable on their own, were transformed into authoritative, objective, and written evidence. Government archivists would preserve that evidence as the official record of the Forsyth Inquiry, available for subsequent guardians of the army’s reputation to retrieve it and defend against any further accusations.⁷⁹

Unsurprisingly, the officers stood with their commander and showed little disagreement in their testimonies over what had happened at Wounded Knee. Given Forsyth’s twin objectives to disarm the Indians peacefully and to guard against escape, the witnesses argued that Forsyth’s troop disposition was admirable. No one expected the Indians to fight, and the colonel intended the arrangement “to overawe the Indians.”⁸⁰ Major Samuel Whitside, Forsyth’s second-in-command, explained: “I would place [the troops] there myself under similar circumstances.”⁸¹ While some witnesses conceded that the arrangement could have resulted in friendly-fire casualties, none would state positively that such had occurred.⁸² Other witnesses denied friendly-fire casualties.⁸³

⁷⁸ Meded Swigert, interview, March 31, 1905, in Richard E. Jensen, ed., *Voices of the American West*, vol. 2, *The Settler and Soldier Interviews of Eli S. Ricker, 1903-1919* (Lincoln: University of Nebraska Press, 2005), 20.

⁷⁹ Geoffrey Cubitt, *History and Memory. Historical Approaches* (Manchester: Manchester University Press, 2007), 188-89; E. D. Scott, “Wounded Knee: A Look at the Record,” *The Field Artillery Journal* 29, no. 1 (January-February 1939): 5-24.

⁸⁰ Capt. W. S. Edgerly, G Troop, testimony, January 9, 1891, “Report of Investigation,” February 4, 1891, 39, M983-1, 2:691.

⁸¹ Maj. S. M. Whitside, testimony, January 11, 1891, “Report of Investigation,” 57, M983-1, 2:709.

⁸² Capt. C. S. Ilsley, E Troop, testimony, January 9, 1891, “Report of Investigation,” 32, 34, M983-1, 2:684, 686; Capt. Henry Jackson, testimony, C Troop, January 9, 1891, “Report of Investigation,” 35, 37, M983-1, 2:687, 689; Edgerly, testimony, January 9, 1891, “Report of Investigation,” 39, M983-1, 2:691; Capt. Allyn Capron, 1st Art., testimony, January 10, 1891, “Report of Investigation,” 47, M983-1, 2:699; Asst. Surgeon Charles B. Ewing, testimony, January 10, 1891,

The witnesses agreed that Lakota treachery had precipitated the fight.⁸⁴ Whitside's interpretation was representative. His testimony shared points with the account offered by Cressey, the *Omaha Bee* correspondent, suggesting at least a common vocabulary and shared worldview, but also a possible collaboration. The major was confident that the Lakotas had a "preconcerted idea of treachery" when they surrendered.⁸⁵ During the disarmament, "a medicine man suddenly rose, spoke in a loud tone of voice, [and] threw some dirt in the air." Subsequently, "one shot was fired by an Indian." The other warriors jumped to their feet, threw their blankets to the ground, and "commenced firing at the Troops." Whitside argued that "at least 50 shots were fired by the Indians before the troops returned fire." Violence therefore resulted when fanatical Indians, acting on the medicine man's signal, attacked unsuspecting soldiers.⁸⁶

When questioned about the large number of noncombatant casualties, the witnesses repeated stock explanations, which, as demonstrated above, were common formulas by 1890. When the warriors fired the initial volley at the troops, they shot in the direction of their own women and children, killing several in the process. Whitside remarked that "the first fire of the Indians themselves could not, but by

"Report of Investigation," 54-55, M983-1, 2:706-707.

⁸³ Capt. M. Moylan, A Troop, testimony, January 7, 1891, "Report of Investigation," 13-14, M983-1, 2:665-66; Asst. Surgeon J. V. B. Hoff, testimony, January 8, 1891, "Report of Investigation," 20, M983-1, 2:672; Capt. Edwin S. Godfrey, D Troop, testimony, January 8, 1891, "Report of Investigation," 27, M983-1, 2:679; Lt. W. W. Robinson, Acting Adjutant, testimony, January 9, 1891, "Report of Investigation," 43, M983-1, 2:695; Lt. L.S. McCormick, Adjutant, testimony, January 10, 1891, "Report of Investigation," 50, M983-1, 2:702; Whitside, testimony, January 11, 1891, "Report of Investigation," 56-57, M983-1, 2:708-709.

⁸⁴ Capt. Charles A. Varnum, B Troop, testimony, January 7, 1891, "Report of Investigation," 16, M983-1, 2:668; Lt. W. J. Nicholson, I Troop, testimony, January 7, 1891, "Report of Investigation," 18, M983-1, 2:670; Hoff, testimony, January 8, 1891, "Report of Investigation," 23, M983-1, 2:675; Lt. Charles W. Taylor, testimony, A Troop, January 8, 1891, "Report of Investigation," 29, M983-1, 2:681; Robinson, testimony, January 9, 1891, "Report of Investigation," 41-42, M983-1, 2:693-94.

⁸⁵ Whitside, testimony, January 7, 1891, "Report of Investigation," 11-12, M983-1, 2:663-64.

⁸⁶ Whitside, testimony, January 7, 1891, "Report of Investigation," 7-8, M983-1, 2:659-60.

a miracle, have resulted in anything else than a loss of life to women and children.”⁸⁷ When the warriors escaped from the soldiers, they mixed with their families in the village. The pursuing soldiers, firing into a crowd, accidentally killed women and children.⁸⁸ Drawing on the generalization that female Lakotas were essentially warriors, the witnesses argued that women shot at the soldiers, forcing them to return fire in self-defense.⁸⁹ The witnesses also testified that the soldiers could not distinguish Indian men from women, because of similar clothing and appearance, resulting in unintentional noncombatant deaths.⁹⁰ Captain H. J. Nowlan reported that “it was the cry all over the field, both on the part of officers and enlisted men, not to kill the women and children.”⁹¹ No one stopped to question how the officers could discern the differences between the sexes, while their men were completely unable to do so.

⁸⁷ Whitside, testimony, January 7, 1891, “Report of Investigation,” 11, M983-1, 2:663. See also Moylan, testimony, January 7, 1891, “Report of Investigation,” 14, M983-1, 2:666; Nicholson, testimony, January 7, 1891, “Report of Investigation,” 18, 19, M983-1, 2:670, 671; Capron, testimony, January 10, 1891, “Report of Investigation,” 47, M983-1, 2:699; Capt. H. J. Nowlan, I Troop, testimony, January 10, 1891, “Report of Investigation,” 49, M983-1, 2:701.

⁸⁸ Moylan, testimony, January 7, 1891, “Report of Investigation,” 14, M983-1, 2:666; Nicholson, testimony, January 7, 1891, “Report of Investigation,” 19, M983-1, 2:671; Godfrey, testimony, January 8, 1891, “Report of Investigation,” 27, M983-1, 2:679; Robinson, testimony, January 9, 1891, “Report of Investigation,” 42, M983-1, 2:694; Lt. T. Q. Donaldson, Jr., G Troop, testimony, January 9, 1891, “Report of Investigation,” 44, M983-1, 2:696; Lt. S. R. H. Tompkins, D Troop, testimony, January 9, 1891, “Report of Investigation,” 45, M983-1, 2:697; Capron, testimony, January 10, 1891, “Report of Investigation,” 47, M983-1, 2:699.

⁸⁹ Whitside, testimony, January 7, 1891, “Report of Investigation,” 11, M983-1, 2:663; 2nd Lt. Sedgwick Rice, E Troop, January 8, 1891, “Report of Investigation,” 28, M983-1, 2:680; Capron, testimony, January 10, 1891, “Report of Investigation,” 47, M983-1, 2:699.

⁹⁰ Godfrey, testimony, January 8, 1891, “Report of Investigation,” 27, M983-1, 2:679; Rice, January 8, 1891, “Report of Investigation,” 28, M983-1, 2:680; Taylor, testimony, January 8, 1891, “Report of Investigation,” 31, M983-1, 2:683; Ilsley, testimony, January 9, 1891, “Report of Investigation,” 33, M983-1, 2:685; Robinson, testimony, January 9, 1891, “Report of Investigation,” 42-43, M983-1, 2:694-95; Capron, 1st Art., testimony, January 10, 1891, “Report of Investigation,” 46-47, M983-1, 2:698-99.

⁹¹ Nowlan, testimony, January 10, 1891, “Report of Investigation,” 49, M983-1, 2:701. See also Whitside, testimony, January 7, 1891, “Report of Investigation,” 11, M983-1, 2:663; Moylan, testimony, January 7, 1891, “Report of Investigation,” 14, M983-1, 2:666; Nicholson, testimony, January 7, 1891, “Report of Investigation,” 19, M983-1, 2:671; Hoff, testimony, January 8, 1891, “Report of Investigation,” 20, 21, M983-1, 2:672, 673; Godfrey, testimony, January 8, 1891, “Report of Investigation,” 25, 27, M983-1, 2:677, 679; Rice, testimony, January 8, 1891, “Report of Investigation,” 28, M983-1, 2:680; Taylor, testimony, January 8, 1891, “Report of Investigation,” 30, M983-1, 2:682; Ilsley, testimony, January 9, 1891, “Report of Investigation,” 33, M983-1, 2:685; Jackson, testimony, January 9, 1891, “Report of Investigation,” 35, 36, M983-1, 2:687, 688; Robinson, testimony, January 9, 1891, “Report of Investigation,” 43, M983-1, 2:695; Donaldson, testimony, January 9, 1891, “Report of Investigation,” 44, M983-1, 2:696; Tompkins, testimony, January 9, 1891, “Report of Investigation,” 45-46, M983-1, 2:697-98.

Preferring to invoke time-tested justifications for noncombatant deaths meant the witnesses spoke primarily in generalities rather than describe specific instances of soldiers accidentally killing women and children. Only one witness provided a concrete example. Captain Edwin S. Godfrey related that his men had pursued Indians down the ravine and spotted some Lakotas hiding in the creek bottom. Godfrey described giving the obligatory order “not to shoot if they were squaws or children” and “called out ‘How [hau] cola [khola],’ which means friend.” With no Lakota reply, Godfrey’s men, against his explicit command, fired six quick shots, which were greeted by “the wailing of a child.” According to his testimony, Godfrey immediately ordered his men to stop shooting. The dead included a woman, a teenage boy, and two small children, none of whom had weapons or had made any threatening gestures toward the troops.⁹²

Baldwin and Kent concluded their inquiry by inviting two civilians—interpreter Philip Wells and Catholic missionary Francis M. J. Craft—to submit statements. These men had Indian ancestry, knew the Lakota language, and had lived and worked among the people. Presumably, they could provide additional insight into the Indians’ actions and motivations in the moments leading to Wounded Knee. However, their credibility was compromised by allegations that Forsyth’s officers had tried to exert influence over the civilians present at Wounded Knee. Meded Swigert, for example, later claimed that the “officers had at least one conference with the civilians asking what they knew and warning them not to say too much.”⁹³ Another civilian, George E. Bartlett, indicated that during the inquiry he was reticent to talk about what he had seen, because his “feelings were with the Seventh,” but within a few years he felt compelled to speak about the cavalrymen shooting into each other and killing the

⁹² Godfrey, testimony, January 8, 1891, “Report of Investigation,” 25, M983-1, 2:677. “Hau” is a common Lakota greeting; “khola” is a male friend of a man (“Hau,” “khola,” *New Lakota Dictionary* [2008; 2nd ed., Bloomington: Lakota Language Consortium, 2011], 151, 307).

⁹³ Swigert, interview, March 31, 1905, in Jensen, ed., *The Settler and Soldier Interviews*, 20.

Lakotas indiscriminately.⁹⁴

Questions arose specifically regarding Wells' and Craft's partiality toward the soldiers. Wells was one quarter Dakota and had worked for several years for the Indian Office as a translator and a "boss farmer" (a supervisor over a reservation district), as well as for the US Army as a scout and interpreter. Wells later recalled that during the inquiry, he was accused of siding with Forsyth in the "bitter feud" with Miles and being "ready to lie for the Seventh Cavalry."⁹⁵ Craft had Mohawk ancestry, had worked as a messenger boy in the Civil War, and had served as a Catholic missionary on various Lakota reservations in the 1880s.⁹⁶ As a missionary, Craft would have been highly critical of the Ghost Dance, portraying it as "fanaticism" and uncivilized.⁹⁷ In mid-January 1891, the *Omaha Daily Bee* reported that the Lakotas considered Craft "too good a friend of the soldiers" and that his actions at Wounded Knee proved he was a "traitor to them."⁹⁸

Wells, identified only as a "half-breed" in the official record, testified on January 11. Up to this point, no one could testify to the content of the medicine man's words or the reaction of the Lakota warriors. Wells explained that during the disarmament the medicine man was telling the young warriors not to be afraid of the soldiers, since he "had received assurance that their bullets [would] not penetrate

⁹⁴ "An Awful Vengeance: The Battle of Wounded Knee," *Cincinnati Times-Star*, undated, copied in George E. Bartlett, statement, November 30, 1903, Jensen, ed., *The Settler and Soldier Interviews*, 37-38.

⁹⁵ Philip F. Wells, statement, October 2, 1906, in Jensen, ed., *The Indian Interviews*, 122-23, 127; Philip F. Wells, "Ninety-six Years Among the Indians of the Northwest—Adventures of an Indian Scout and Interpreter in the Dakotas," *North Dakota History* 15, no. 4 (1948): 294; Frederick Hoxie, "From Prison to Homeland: The Cheyenne River Indian Reservation before WW I," *South Dakota History* 10, no. 1 (Winter 1979): 21-22; Heather Cox Richardson, *Wounded Knee: Party Politics and the Road to an American Massacre* (New York: Basic Books, 2010), 265.

⁹⁶ See Thomas W. Foley, ed., *At Standing Rock and Wounded Knee: The Journals and Papers of Father Francis M. Craft, 1888-1890* (Norman: The Arthur H. Clark Company, 2009).

⁹⁷ See Kerstetter, "Spin Doctors at Santee," *Western Historical Quarterly* 28, no. 1 (Spring 1997): 45-67.

⁹⁸ "Said to be a Peace Disturber," *Omaha Daily Bee*, January 16, 1891.

[them].”⁹⁹ “These young bucks answered ‘How’ [Hau] with great earnestness, this meaning that they were with him or would stand by him.” Wells then watched “five or six young bucks throw off their blankets and pull out their arms from under them, [and] brandish them in the air.” A single shot rang out and started the melee.¹⁰⁰ The interpreter was injured not long after the fighting began and so did not see subsequent events.¹⁰¹ While Wells’ account undercut claims that the Lakotas went into Wounded Knee with a premeditated plan to attack the soldiers, it supported the argument that the medicine man’s “fanaticism” had cause the young warriors to fire at the soldiers.

Craft followed Wells in testifying on January 11. He explained he had gone to Wounded Knee hoping to use his language skills and relationship with the Lakotas to ensure a peaceful outcome. Craft feared that “malicious whites” had “caused such a state of alarm and suspicion” among the Lakotas by telling them that the soldiers would confiscate the warriors’ guns and then slaughter the band.¹⁰² The missionary described the medicine man “going through various ceremonies” and telling the warriors “that the soldiers’ bullets might not hurt them.”¹⁰³ Despite Craft’s efforts to calm the Lakotas, a young warrior “suddenly fired,” which “was followed by many others from the Indians. The soldiers did not fire until they actually being compelled, and after the Indians had fired many shots.”¹⁰⁴ Craft’s account contained new details regarding the Lakotas’ state of mind prior to the outbreak of shooting, yet like Wells, he was injured early in the fighting. After being stabbed, he was busy tending the wounded,

⁹⁹ P.F. Wells, testimony, January 11, 1891, “Report of Investigation,” 60, M983-1, 2:712.

¹⁰⁰ Wells, testimony, January 11, 1891, “Report of Investigation,” 61-62, M983-1, 2:713-14. “Hau” is a common Lakota greeting, but can also be used to signify agreement (“Hau,” *New Lakota Dictionary*, 151).

¹⁰¹ Wells, testimony, January 11, 1891, “Report of Investigation,” 62, M983-1, 2:714.

¹⁰² Reverend Francis M. J. Craft, testimony, January 11, 1891, in “Report of Investigation,” 69, M983-1, 2:721.

¹⁰³ Craft, testimony, January 11, 1891, in “Report of Investigation,” 71, M983-1, 2:723.

¹⁰⁴ Craft, testimony, January 11, 1891, in “Report of Investigation,” 72, M983-1, 2:724.

precluding him from observing subsequent events.¹⁰⁵ Despite this, Craft claimed to have seen the warriors mixing with the women and children in the camp. He could provide no specific examples of women and children dying, but he nonetheless assured the court that such deaths were unavoidable, since the soldiers could not distinguish men from women.¹⁰⁶ In Craft's view, the warriors had violated the white flag and that "if women and children were killed in the shelling of this camp, the Indians who caused it [were] to blame."¹⁰⁷

Even before Kent and Baldwin issued their report on January 13, an anonymous correspondent telegraphed the *New York Tribune* that "it is thoroughly understood that the Colonel will be exonerated. The testimony of the officers and soldiers of the 7th Cavalry leaves no other course open."¹⁰⁸ If Miles believed he could control how Kent and Baldwin interpreted the evidence, he was mistaken. Kent believed that the troop formation "was not judicious in all respects"; however, he found no evidence of friendly-fire casualties.¹⁰⁹ As for women and children, he argued that "all care was taken after the Indians made their first break to preserve the lives of noncombatants." Furthermore, "the fact that several women and children were killed or wounded could be ascribed only to the fault of the Indians themselves and the force of unavoidable and unfortunate circumstances."¹¹⁰ Only the "discipline and coolness" of the soldiers had avoided more noncombatant casualties.¹¹¹ Baldwin mostly concurred, but argued that Forsyth should have taken additional precautions to ensure the troops' safety. However,

¹⁰⁵ Craft, testimony, January 11, 1891, in "Report of Investigation," 73, M983-1, 2:725.

¹⁰⁶ Craft, testimony, January 11, 1891, in "Report of Investigation," 72, M983-1, 2:724.

¹⁰⁷ Craft, testimony, January 11, 1891, in "Report of Investigation," 73, M983-1, 2:725.

¹⁰⁸ "Col. Forsyth Blameless," *New York Tribune*, January 11, 1891.

¹⁰⁹ Maj. J. Ford Kent, Fourth Infantry, statement, January 13, 1891, "Report of Investigation," 74, 75, M983-1, 2:726, 726.

¹¹⁰ Kent, statement, January 13, 1891, "Report of Investigation," 74-75, M983-1, 2:726-27.

¹¹¹ Kent, statement, January 13, 1891, "Report of Investigation," 75, M983-1, 2:727.

Baldwin concluded that the troops had performed commendably “throughout the engagement.”¹¹²

Miles found the report unacceptable. He believed that unnamed “enemies” had supported Forsyth out of spite and had unduly influenced the witnesses in the investigation. The major general, however, remained committed to exposing Wounded Knee as a horrid massacre.¹¹³ A friend noted that Miles was indignant over Forsyth’s incompetence and “disgusted at the butchery” at Wounded Knee.¹¹⁴ Unimpressed by the testimony, the major general ordered Kent and Baldwin to interrogate Brigadier General John R. Brooke, commander of the Department of the Platte and Forsyth’s immediate superior. At issue was whether Brooke had delivered three orders Miles had issued in late November and early December, each of which cautioned the field commanders to guard against treachery and to prohibit their men from mixing with the Lakotas. Like other army officers, the major general believed that the Lakotas could be treacherous, but competent army leaders could protect their men from surprise.¹¹⁵ In his January 16 testimony, Brooke acknowledged forwarding the orders to Forsyth.¹¹⁶ Asked whether the colonel had disobeyed Miles’ earlier orders, Brooke replied that Forsyth’s men did “not appear to be ‘mixed,’” although he was less sure that the colonel had “guard[ed] against surprise or treachery.” The brigadier general quickly backtracked, however, declining to give “an opinion” as proof.¹¹⁷

Rather than supply evidence for Miles’ emerging narrative—that Forsyth had disobeyed explicit orders that would have averted the violence—Brooke presented a new interpretation of what had

¹¹² Capt. Frank D. Baldwin, Fifth Infantry, statement, January 13, 1891, “Report of Investigation,” 76-77, M983-1, 2:728-29.

¹¹³ DeMontravel, *A Hero to His Fighting Men*, 206.

¹¹⁴ Quoted in Wooster, *Nelson A. Miles*, 190.

¹¹⁵ AAG H. C. Corbin to Major J. F. Kent and Captain F.D. Baldwin, January 16, 1891, “Report of Investigation,” 85, M983-1, 2:737.

¹¹⁶ Brig. Gen. John R. Brooke, testimony, January 16, 1891, “Report of Investigation,” 88-89, M983-1, 2:740-41.

¹¹⁷ Brooke, testimony, January 16, 1891, “Report of Investigation,” 95, M983-1, 2:747.

happened at Wounded Knee. The brigadier general argued that the killings had resulted, not from Forsyth disregarding orders issued nearly a month before December 29, but rather from the colonel's careful observance of orders Miles gave just prior to Wounded Knee. The major general's late December communications indicated Miles was "exceedingly anxious" for word of Big Foot's capture and disarmament, since the chief was "cunning and his Indians [were] very bad."¹¹⁸ On December 27, Miles had explicitly authorized the use of violence against Big Foot in case the chief resisted capture, stating that "if he fights, destroy him."¹¹⁹ Reiterating this order following Big Foot's capture on December 28, Brooke commanded Forsyth to disarm the warriors, prevent them from escaping, and "if they fought to destroy them." Brooke wryly stated that "to the best of my knowledge . . . these instructions were obeyed."¹²⁰ The orders therefore rationalized the destruction of Big Foot's band, since the warriors had allegedly resisted disarmament and the people had attempted to escape.¹²¹

On January 17 and 18, Baldwin and Kent issued second opinions. Neither endorsed Brooke's more radical justification of the deaths, but focused on the brigadier general's statements regarding Miles' late November and early December warnings against "mixing" with "treacherous" Indians. Baldwin concluded that Forsyth had "entirely disregarded and lost sight of" Miles' command to guard against treachery or deception by keeping his troops at a safe distance.¹²² Kent conceded that, in light of the new information, Forsyth did not sufficiently distance his troops from the Lakotas. But Kent defended Forsyth's troop arrangement:

¹¹⁸ Brooke, testimony, January 16, 1891, "Report of Investigation," 88, 90, M983-1, 2:740, 7422.

¹¹⁹ Brooke, testimony, January 16, 1891, "Report of Investigation," 101, M983-1, 2:753.

¹²⁰ Brooke, testimony, January 16, 1891, "Report of Investigation," 93, M983-1, 2:745.

¹²¹ See also Brig. Gen/ James W. Forsyth to Secretary of War, September 1, 1895, 13-15, M983-2.

¹²² Capt. Frank D. Baldwin, Fifth Infantry, statement, January 17, 1891, "Report of Investigation," 98, M983-1, 2:750.

“Treachery” was practiced by the Indians, whether by a preconcerted plan, or by the actions of the Indian who fired the first shot cannot be fully determined from the evidence. I do regard that Colonel Forsyth’s command was ‘surprised’ in a measure, but that he took *in his judgment* measures to bring about a peaceful solution of the question at issue, which, however, proved futile.¹²³

Even with the Brooke’s additional information, Kent was unwilling to second-guess Forsyth’s leadership. The two men forwarded their reports to Miles, who after writing his own interpretation of the evidence would forward it to Washington, D.C.

The Indian View of Wounded Knee

As Baldwin completed his report on January 17, newspapers across the country published articles on “The Indian Version of the Fight at Wounded Knee,” to use the *Wichita Daily Eagle*’s title.¹²⁴ The articles reproduced a report written by Indian Office educator Elaine Goodale, who Commissioner of Indian Affairs Thomas Jefferson Morgan had commissioned to investigate Wounded Knee. That anyone in the English-speaking world cared what the Lakotas thought about Wounded Knee demonstrated the remarkable changes that had occurred over the previous three decades. Not only did most Americans see Indians as the “enemy” in the early 1860s, whites were also highly skeptical that Native peoples, lacking the mnemonic technology of writing, could accurately reconstruct their own pasts.¹²⁵ The official reports of army officers often served as the primary means of reconstructing what happened in major engagements. In the midst of the Civil War, for example, Colonel Patrick Edward Connor and his California Volunteers killed over three hundred Shoshone men, women, and children at

¹²³ Maj. J. Ford Kent, Fourth Infantry, statement, January 18, 1891, “Report of Investigation,” 96-97, M983-1, 2:748-49. Emphasis in original.

¹²⁴ “The Indian Version of the Fight at Wounded Knee,” *Wichita (KS) Daily Eagle*, January 17, 1891; “A Tale of Wounded Knee,” *San Francisco Call*, January 17, 1891; “Miss Goodale’s Story of the Battle,” *(NY) Sun*, January 17, 1891; “How It Happened,” *Arizona Republican*, January 17, 1891; “Miss Goodale’s Report on Wounded Knee,” *Salt Lake Herald*, January 17, 1891; “Severe on the Seventh,” *Worthington (MN) Advantage*, January 17, 1891; “How Things Went,” *St. Paul (MN) Daily Globe*, January 17, 1891, 4.

¹²⁵ Peter Nabokov, *A Forest of Time: American Indian Ways of History* (Cambridge: Cambridge University Press, 2002), 2-10.

Bear River, Idaho Territory, on January 29, 1863. No one publicly questioned Connor's official account, which omitted any discussion of killing noncombatants. Furthermore, no one asked the Shoshone survivors for a counternarrative. It would take another century before historian Brigham Madsen would declare Bear River a massacre, after consulting unpublished civilian accounts that described the killing field and after interviewing Shoshone descendants.¹²⁶ In the wake of the Sand Creek Massacre—where Colonel John Milton Chivington's Colorado Third and Fifth Cavalries killed and mutilated over one hundred and fifty Cheyenne and Arapaho men, women, and children on November 29, 1864—Chivington's own officers accused their commander of massacring peaceful Indians. In spite of the public outcry that ensued, which included official investigations by the US Army and Congress, as well as a rare governmental apology and promise of reparations, no one bothered to ask the Cheyenne and Arapaho survivors themselves for their stories.¹²⁷

This attitude would begin to change after the Civil War, as many northern "humanitarians" extended their moral reform vision beyond the South to include the West. Significantly, the reformers argued against the view that inherently violent Indians caused the frontier Indian Wars, contending instead that unscrupulous whites, flawed federal policies, and the frontier army's unnecessarily-violent tactics had produced conflicts in the West.¹²⁸ Reformers gained ascendancy during the administration of Ulysses S. Grant, which partly explains why government officials responded so differently to the Marias Massacre of 1870 and the Camp Grant Massacre of 1871. In the first case, Colonel Eugene Baker and the Second Cavalry killed nearly two hundred peaceful Piegans on the Marias River on

¹²⁶ Brigham D. Madsen, *The Shoshoni Frontier and the Bear River Massacre* (Salt Lake City: University of Utah Press, 1985); Kass Fleisher, *The Bear River Massacre and the Making of History* (Albany: State University of New York Press, 2004).

¹²⁷ Kelman, *A Misplaced Massacre*, 94.

¹²⁸ Jeffrey Ostler, *The Plains Sioux and U.S. Colonialism from Lewis and Clark to Wounded Knee* (Cambridge: Cambridge University Press, 2004), 46-48.

January 23, 1870. Baker initially reported that his men had defeated and killed one hundred and seventy-three Indians, without specifying whether these were warriors or noncombatants. It was only after the Piegans' Indian Agent, W. B. Pease, interviewed the survivors a few days later that accusations arose that Baker's men had slaughtered mostly women and children, which galvanized eastern reformers.¹²⁹ Similarly, American, Mexican, and O'odham vigilantes bragged about defeating the feared Apaches living on the Camp Grant reservation on April 30, 1871. After government officials visited the killing field and interviewed survivors, they demanded that the offenders be tried in federal court. Although the survivors played no direct role in the proceedings, which ended in an acquittal, the fact that the prosecution based its case on government officials' summaries of the survivors' testimonies demonstrated the shifting attitudes toward Native views of white-Indian violence.¹³⁰

It was not, however, a reformer who first recorded the Lakotas' viewpoint of Wounded Knee, but rather army officers and missionaries. Their reports reflected the changing ideas on Native perspectives. In early 1891, shocked and angry reactions against the deaths spread in both oral and written form throughout the Lakota reservations. On January 8, 1891, Fort Bennett commander Captain Joseph H. Hurst described "intense excitement" among the Minneconjous living in the Cherry Creek district of the Cheyenne River Reservation, where many of Big Foot's band had lived prior to their fateful move south to Wounded Knee. An unidentified Pine Ridge Indian policeman had written his sister living at Cherry Creek, describing how "Big Foot's people were massacred by the soldiers after giving up their arms." The policeman related "that but few escaped, and that the loss among the soldiers was caused by themselves shooting into each other." As a result, "there [was] intense feeling

¹²⁹ See US Congress, Piegan Indians, 41st Cong., 2nd sess., 1870, H. Ex. Docs. 49, 185, 197, and 269; Hutton, "Phil Sheridan's Pyrrhic Victory," 32-43.

¹³⁰ See Jacoby, *Shadows at Dawn*, 187 and the accompanying website, *Shadows at Dawn*, accessed April 1, 2013, <http://www.brown.edu/Research/Aravaipa/documents.html>.

among the people against the soldiers in consequence of this news.”¹³¹

This “intense feeling” had even spread to the Santee Dakotas, cousins to the Lakotas living nearly three hundred miles to the west of Pine Ridge in eastern Nebraska. On January 14, 1891, Episcopal missionary Charles R. Stroh forwarded a letter written by a fellow missionary to Secretary of War Redfield Proctor. The “friend of peace,” as the anonymous missionary signed the missive, explained that “the web of inter-relationship among the various tribes of the Sioux Nation is very intricate and extensive.” Through oral and written media, news of the Seventh Cavalry’s actions at Wounded Knee reached the Santees in early January. “The fact that at the recent engagement at Wounded Knee a number were killed has deeply affected all the tribes, as they consider the killing of women and children an unpardonable offense.” In response to the Seventh Cavalry’s explanations for the killings—that the Lakota women had weapons and had attacked the soldiers—the Santees replied that, even if true, that would not have justified the troops’ actions. The “friend of peace” found that even those Santees who had accommodated to the United States were livid over the killings and desired revenge.¹³²

Philip Wells was the first person to record the survivors’ actual words. The interpreter desired statements from wounded survivors in the hospital to counter accusations that he was “ready to lie for the Seventh Cavalry.”¹³³ Accompanying him was Reverend Charles Smith Cook, an educated Yankton Sioux Episcopalian missionary on Pine Ridge, who assisted Wells with translating and recording statements for three survivors: Elks Saw Him, a thirty-eight year old Oglala who had been living with

¹³¹ Joseph H. Hurst to H.C. Merriam, January 8, 1891, quoted in H.C. Merriam to Nelson A. Miles, January 11, 1891, in *Report of the Secretary of War; Being Part of the Message and Documents Communicated to the Two Houses of Congress at the Beginning of the First Session of the Fifty-Second Congress* (Washington, D.C.: Government Printing Office, 1892), 227.

¹³² Charles R. Stroh to Redfield Proctor, January 14, 1891, M983-2, 2:1022-23.

¹³³ Wells, “Ninety-six Years Among the Indians,” 290-95.

Hump's band on the Cheyenne River Reservation; Frog, Big Foot's forty-eight year old Minneconjou brother; and Help Them, an Oglala who had visited Big Foot's camp and was returning home to Pine Ridge. Remarkably, Frog's and Help Them's statements were eventually incorporated into the official record.¹³⁴

Wells left no indication of what questions he asked or his process of translation and transcription. All three statements were recorded in polished first person prose and emphasized similar themes, which provides some sense of what Wells wanted them to talk about.¹³⁵ Both Elks Saw Him and Frog indicated that Big Foot had headed south, not to join the "hostile" Ghost Dancers, but because Red Cloud, Little Wound, and other Oglala leaders had invited them to come to Pine Ridge.¹³⁶ All three informants stated that, after the soldiers had moved Big Foot's people to Wounded Knee Creek, the troops and the Lakotas interacted in a friendly manner, although Help Them did wonder why the soldiers "kept their guns in readiness for action . . . [and] they placed two cannons on a hill" covering the camp. All three insisted that Big Foot's Lakotas had no intentions of attacking the soldiers.¹³⁷

On the morning of December 29, the soldiers separated the men from the women and children and Forsyth demanded that the warriors give up their weapons, with the promise that upon compliance,

¹³⁴ Only Frog's and Help Them's statements were published in the official Forsyth inquiry report (Frog, statement, January 7, 1891, and Help Them, statement, January 7, 1891, in "Report of Investigation," 65-68, M983-1, 2:717-20). Wells later provided Eli S. Ricker Elks Saw Him's statement (Elks Saw Him [*He-ha-ka-wan-ya-ka-pi*], statement, January 7, 1891, in Philip F. Wells, statement, October 2, 1906, Jensen, ed., *The Indian Interviews*, 131-32). For Frog's age, see "Census of the Sioux Indians Belonging to the Cheyenne River reservation who were in the battle of Wounded Knee and are yet at Pine Ridge Agency, S.D. Taken June 30/91," entry 75, accessed April 1, 2013, <http://oyate1.proboards.com/index.cgi?board=census&action=print&thread=550>. On Cook, see Jensen, ed., *The Indian Interviews*, 414n201.

¹³⁵ On editors of dictated Native American accounts, their techniques, and varying degrees of transparency, see H. David Brumble III, *American Indian Autobiography* (Berkeley: University of California Press, 1988), 72-97.

¹³⁶ Elks Saw Him, statement, January 7, 1891, Jensen, ed., *The Indian Interviews*, 131; Frog, statement, January 7, 1891, "Report of Investigation," 65, M983-1, 2: 717.

¹³⁷ Frog, statement, January 7, 1891, "Report of Investigation," 65, M983-1, 2:717; Help Them, statement, January 7, 1891, "Report of Investigation," 67, M983-1, 2:719; Elks Saw Him, statement, January 7, 1891, Jensen, ed., *The Indian Interviews*, 131.

the troops would provide food and the whole group would proceed to Pine Ridge.¹³⁸ Since only some of the men had guns, Frog believed that all had been given up.¹³⁹ Elks Saw Him “heard an officer saying something. He must have given orders, because the soldiers began loading their guns and holding them in readiness for firing.”¹⁴⁰ During the disarmament, a medicine man performed the Ghost Dance ceremony and then addressed a group of young warriors, who “were standing together with their guns concealed under their blankets.” Help Them could not hear what he said, but he supposed that the medicine man told the young warriors that “the soldiers’ bullets could not reach them (the Indians) no matter how the soldiers would shoot at them.”¹⁴¹ At this point, Help Them “heard a white man saying something in excited tones, which [he] could not understand, and looking around, [he] saw some of the Indians throw off their blankets, and raise their guns, and one of the Indians fired a shot.”¹⁴² The soldiers answered this single bullet with a volley, injuring Wells’ three informants and precluding them from seeing more.¹⁴³

Although the statements of Frog, Help Them, and Elks Saw Him paralleled some points of the Seventh Cavalry’s explanations, these accounts departed from the official version in important ways,

¹³⁸ Frog, statement, January 7, 1891, “Report of Investigation,” 65, M983-1, 2:717; Help Them, statement, January 7, 1891, “Report of Investigation,” 67, M983-1, 2:719; Elks Saw Him, statement, January 7, 1891, Jensen, ed., *The Indian Interviews*, 131-32.

¹³⁹ Frog, statement, January 7, 1891, “Report of Investigation,” 66, M983-1, 2:718; Elks Saw Him, statement, January 7, 1891, Jensen, ed., *The Indian Interviews*, 131-32.

¹⁴⁰ Elks Saw Him, statement, January 7, 1891, Jensen, ed., *The Indian Interviews*, 132.

¹⁴¹ Frog, statement, January 7, 1891, “Report of Investigation,” 66, M983-1, 2:718; Help Them, statement, January 7, 1891, “Report of Investigation,” 67, M983-1, 2:719; Elks Saw Him, statement, January 7, 1891, Jensen, ed., *The Indian Interviews*, 132.

¹⁴² Help Them, statement, January 7, 1891, “Report of Investigation,” 67, M983-1, 2:719. See also Frog, statement, January 7, 1891, “Report of Investigation,” 66, M983-1, 2:717 and Elks Saw Him, statement, January 7, 1891, Jensen, ed., *The Indian Interviews*, 132.

¹⁴³ Frog, statement, January 7, 1891, “Report of Investigation,” 66, M983-1, 2:718; Help Them, statement, January 7, 1891, “Report of Investigation,” 67, M983-1, 2:719; Elks Saw Him, statement, January 7, 1891, Jensen, ed., *The Indian Interviews*, 132.

suggesting that Wells' editing was minimal. First, the informants were clear that Big Foot had gone south for peaceful reasons, and was therefore not a "hostile." Second, they also explained that the warriors had no intention of fighting beforehand, which undermined the army's claim that the Lakotas had "treacherously" plotted to attack the soldiers. Third, Elks Saw Him stated that the soldiers, with guns loaded and positioned, were ready for a fight even before trouble emerged, raising the possibility that the soldiers were looking for any provocation. Fourth, the informants indicated that it was young men who hid guns under the blankets and fired the first fateful shot, whereas the soldiers had implied that all the warriors were complicit. In Lakota society, in order for young men to prove their manhood, they often had to perform feats of bravery, which leaders and parents often considered foolhardy and dangerous.¹⁴⁴ With this context in place, Wells' informants reinforced their argument that there was no premeditated attack sanctioned by Big Foot and other leaders. Lastly, Help Them suggested that the young man fired had during a heated exchange with a soldier, not when the medicine man signaled, contrary to the soldiers' claims.

Most striking, however, was what Wells' informants' did not say. At least in Wells' transcription, there was almost no discussion how the women and children died. Elks Saw Him recalled being surrounded by the dead and wounded. He also noted his relief upon hearing that his wife and youngest child survived, but he was concerned that his older daughter was still missing. Neither Frog nor Help Them mentioned losing family members or seeing the dead around them.¹⁴⁵ Wells had a certain purpose in procuring the statements: to defend himself and, by implication, the Seventh Cavalry against accusations of lying to avoid responsibility for noncombatant deaths. In this regard, it was noteworthy that the wounded Lakotas did not blame the soldiers for their injuries or for the deaths of relatives.

¹⁴⁴ Hassrick, *The Sioux*, 73-74.

¹⁴⁵ Frog, statement, January 7, 1891, "Report of Investigation," 66, M983-1, 2:718; Help Them, statement, January 7, 1891, "Report of Investigation," 67, M983-1, 2:719; Elks Saw Him, statement, January 7, 1891, Jensen, ed., *The Indian Interviews*, 132.

Instead, Frog blamed the medicine man for “caus[ing] the death of all our people,” and Elks Saw Him blamed “the young man who fired the first gun” for the deaths.¹⁴⁶ Certainly, this anger toward the medicine man and young warrior was very plausible in immediate aftermath of Wounded Knee, but it was highly unlikely that the Lakotas completely absolved the soldiers of fault.

While Wells was recording his interviews on January 7, 1891, the Commissioner of Indian Affairs Thomas Jefferson Morgan requested his Supervisor of Education for North and South Dakota, Elaine Goodale, to investigate Wounded Knee. As an advocate of assimilation and soon-to-be spouse of Charles Eastman—a Dakota physician who would later become perhaps the best-known Native American in the United States—Goodale saw herself as a “friend of the Indian” whose educational work would help Indians abandon tribalism and embrace modern life. Despite her paternalistic views, Goodale admired much in Lakota culture, but was critical of the army’s “civilizing” methods, which often relied on excessive force.¹⁴⁷ Although Goodale did not identify her sources by name, as Wells did, she interviewed “Indian prisoners who engaged in it [Wounded Knee] and half breeds [that is, multiracial scouts] who were present.” In addition, she interviewed “parties who visited the battle field several days after the encounter.” This would have included Eastman, who had led the search party to Wounded Knee on January 1, 1891, mentioned above, to look for survivors.¹⁴⁸ Goodale believed that knowing where the bodies were located on the field would help her verify, or challenge, the Seventh Cavalry’s official story.¹⁴⁹

¹⁴⁶ Frog, statement, January 7, 1891, “Report of Investigation,” 66, M983-1, 2:718; Help Them, statement, January 7, 1891, “Report of Investigation,” 67, M983-1, 2:719; Elks Saw Him, statement, January 7, 1891, Jensen, ed., *The Indian Interviews*, 132.

¹⁴⁷ See Katherine Ellinghaus, “Reading the Personal as Political: The Assimilationist Views of a White Woman Married to a Native American Man, 1880s-1940s,” *Australasian Journal of American Studies* 18, no. 2 (December 1999): 23-42 and Margaret D. Jacobs, “The Eastmans and the Luhans: Interracial Marriage between White Women and Native American Men, 1875-1935,” *Frontiers: A Journal of Women Studies* 23, no. 3 (2002): 29-54.

¹⁴⁸ Eastman (*Ohiyesa*), *From the Deep Woods to Civilization*, 110-13.

¹⁴⁹ “The Indian Version of the Fight at Wounded Knee,” *Wichita (KS) Daily Eagle*, January 17, 1891.

In some respects, Goodale's report on her interviews paralleled the statements of Wells' informants. Big Foot was going to Pine Ridge, at Red Cloud's invitation, rather than to join the "hostile" Ghost Dancers. The chief and his warriors had only peaceful intentions when they met the soldiers. "There was constant friendly intercourse between the soldiers and the Indians, even the women shaking hands with the officers and men." The troops surprised the Lakotas with the demand to surrender their weapons, but only some of the men had guns to give up." Showing greater interest in women's experiences during the disarmament than Wells, Goodale emphasized that "the women say they too were searched and their knives (which they allayed [always] carried with them for domestic purposes) taken from them." As the search ended, "one young man, who is described by the Indians as a good for nothing young fellow, fired a single shot," which the troops answered with a volley.¹⁵⁰

Goodale's informants had heard the Seventh Cavalry's claim that armed women were active participants in the fight. "The weight of the testimony is overwhelmingly against this supposition," Goodale stated. While allowing that one or two women may have had weapons, the educator argued the vast majority of men, women, and children were unarmed and fled for their lives. "They were pursued up the ravines and shot down indiscriminately by the soldiers." In some cases, she conceded, killing women and children may have been unavoidable, but "there is no doubt it was in many instances deliberate and intentional." She also argued against the army's claim that the warriors had broken through the cavalry's ranks and mixed with the women, making it impossible for the soldiers not to shoot noncombatants. Eastman and others who had seen the bodies on the field reported to Goodale that the troops' initial volleys had killed the vast majority of the warriors. "The women and children," on the other hand, "were scattered along a distance of two miles from the scene of the

¹⁵⁰ "The Indian Version," *Wichita (KS) Daily Eagle*, January 17, 1891.

encounter.”¹⁵¹

Doubtless, the striking differences between Wells’ interviews and Goodale’s report resulted from their differing objectives. Wells wanted to exonerate Forsyth and the troops, while Goodale believed that the soldiers were ultimately avenging their fallen commander, Colonel George Armstrong Custer. She reluctantly accepted that the officer may have warned their men not to shoot at women and children, but contended that in the excitement, few obeyed their commanders. Goodale concluded her report by arguing that “the irresponsible action of one hot-headed youth should not be the signal for a general and indiscriminate slaughter of the unarmed and helpless.” By overemphasizing a single ill-advised shot from the young man, the Seventh Cavalry was blaming the Lakotas for starting the engagement, and in the process disavow culpability for everything that followed. As noted, aside from sending her report to Commissioner Morgan, Goodale’s statement was also published in newspapers across the country, widely disseminating the “Indian Version of the Fight at Wounded Knee.”¹⁵²

Setting the Official Record Straight

As important as these early attempts to record Lakota interpretations of Wounded Knee were, the men who ultimately held the power to define Wounded Knee in the government’s official records essentially ignored them. After Miles received Baldwin’s and Kent’s final reports on January 18, he waited another two and a half weeks before forwarding the inquiry record to Washington, D.C. In part, the delay was due to the fact that Miles was unwilling to cede to Kent and Baldwin the important task of interpreting the testimonies. Miles therefore composed a substantial cover letter to preface the record, which he sent to the capital on January 31. He sought to shape how the department read the testimony by highlighting certain points against Forsyth and downplaying evidence that supported the

¹⁵¹ “The Indian Version,” *Wichita (KS) Daily Eagle*, January 17, 1891.

¹⁵² “The Indian Version,” *Wichita (KS) Daily Eagle*, January 17, 1891.

colonel. Miles noted that just “as it is important to the best interest of the service that skill and heroism should be rewarded, so also it is important that incompetency and neglect, when found, should not pass unnoticed.” Unspecified “injurious reports [that] were current” after the termination of the fighting that had caused Miles to order the investigation so as to assemble all the known facts necessary to fully evaluate Forsyth’s conduct.¹⁵³

Miles contended that in spite of several warnings, Forsyth had gone into the disarmament assuming that the warriors would not treacherously resist. In making this point, the general relied primarily on Brigadier General Brooke’s testimony regarding Miles’ orders to guard against treachery and to avoid mixing soldiers with the Lakotas. Miles argued that Forsyth’s assumption that the Lakotas would not resist was untenable given past military encounters with the Natives:

The disasters that have occurred to our troops in the past from the desperation of the Indian nature are known to all who are familiar with our history. In addition to this it was well known and Colonel Forsyth had been warned that this particular band contained many of the most desperate and deceitful characters in the Sioux nation, and that a religious excitement nearly approaching frenzy had made them peculiarly dangerous.¹⁵⁴

Like the press and Forsyth’s defenders, Miles believed that Ghost Dance was dangerous and defined by fanaticism. Where Miles differed was in his contention that competent military leadership could have controlled that fanaticism and avoided a massacre.

Miles’ critique concentrated on Forsyth’s troop arrangement and whether the disposition could feasibly have guarded against Indian attack. Miles argued “it is in fact difficult to conceive how a worse disposition of the troops could have been made.” Rather than placing Troops B and K between the warriors and the women and children during the disarmament, Forsyth should have placed the entire command of four hundred and fifty soldiers between the two groups of Lakotas. Thereby

¹⁵³ Maj. Gen. Nelson A. Miles, Endorsement, January 31, 1891, “Report of Investigation,” 114, M983-1, 2:766.

¹⁵⁴ Miles, Endorsement, January 31, 1891, “Report of Investigation,” 114, M983-1, 2:766.

positioned, Troops B and K were forced to bear “the brunt of the affair,” as their comrades withheld fire so as not to hit the men of B and K. Combined with the fact that the majority of the warriors were unarmed suggested to Miles that the majority of the soldiers who died were killed by friendly fire.¹⁵⁵

In regards to the deaths of noncombatants, Miles rejected as self-serving the witnesses’ own explanations for the deaths. Instead, the major general attached Captain Frank Baldwin’s report of January 21, 1891. Baldwin described visiting a spot three miles west of the Wounded Knee site, where he found the Lakotas who had been killed by Captain Godfrey’s men on December 29, 1890. Contrary to Godfrey’s assertion that his men shot from a distance and therefore could not have known who they were killing, “Each person had been shot once, the character of which was necessarily fatal in each case. The bodies had not been plundered or molested. The shooting was done at so close a range that the person or clothing of each was powder-burned.” Baldwin’s report conveyed a potent image of the Seventh Cavalry riding miles away from the original camp to hunt down and execute escaping noncombatants. The brutal description undermined the claims of Godfrey and other officers that they had strenuously ordered their men not to fire upon fleeing women and children.¹⁵⁶ Miles concluded that Baldwin’s report exemplified “the results of that unfortunate affair,” which the major general “viewed with the strongest disapproval.” Miles argued only two options were available for assessing Forsyth’s conduct: either the colonel had willfully ignored Miles’ repeated warnings against treachery or Forsyth was incompetent to command troops.¹⁵⁷

In Washington, army officials were equally zealous to control how the evidence would be interpreted, but they developed a starkly different view from Miles. Commanding General of the Army

¹⁵⁵ Miles, Endorsement, January 31, 1891, “Report of Investigation,” 115, M983-1, 2:767.

¹⁵⁶ Capt. Frank D. Baldwin, Fifth Infantry, to AAG, January 21, 1891, “Report of Investigation,” 81, M983-1, 2:733.

¹⁵⁷ Miles, Endorsement, January 31, 1891, “Report of Investigation,” 115, M983-1, 2:767.

John M. Schofield, who had initially telegraphed Miles to congratulate the troops, attached a cover letter to the record recommending that Forsyth be restored to his command. “The evidence in these papers show that great care was taken by the officers and generally by the enlisted men to avoid unnecessary killing of Indian women and children” and that in his “judgment the conduct of the regiment was well worthy of [his initial] commendation.”¹⁵⁸

On February 12, Secretary of War Redfield Proctor wrote his own interpretation of the record, using the power of his office to settle the ongoing controversy over Wounded Knee. Although Proctor evidently accepted a minor point argued by Wells’ Lakota informants, the secretary based the majority of his report on Whitside and other offers who testified before the inquiry. Big Foot’s band, which included some of Sitting Bull’s followers, “embraced the most fanatical and desperate element among the Sioux.” Their surrender to Whitside on December 28 was insincere, and was simply the “sullen and unwilling yielding of a band of savage fanatics” that lacked food and recognized the troops’ superior numbers. Proctor admitted, however, that resistance was concentrated primarily among the “younger braves.” The secretary further acknowledged, contrary to Whitside’s claim, that Big Foot’s warriors lacked “any prearranged plan of treachery.” Although implicit, this last point was likely a remarkable concession to Wells’ Lakota informants, Frog and Help Them, whose statements on the early part of the fight had been incorporated into the official record.¹⁵⁹

Forsyth had been tasked with disarming the warriors peacefully, while also ensuring that the “desperadoes” did not escape. Although Proctor had accepted Frog’s and Help Them’s qualifications on the young men, the secretary rejected their claim that Big Foot had gone south at the invitation of Red Cloud and other chiefs. Rather, Proctor believed that the band intended to raid neighboring settlements,

¹⁵⁸ Maj. Gen. J. M. Schofield, Indorsement, February 4, 1891, “Report of Investigation,” 116, M983-1, 2:768.

¹⁵⁹ Proctor to Miles, February 12, 1891, 1, M983-2, 2:1130.

creating the “imperative necessity to prevent escape.” The secretary opined that “the troops appear to have been well disposed to prevent an outbreak which was not and could hardly have been anticipated by any one, under the circumstances, even in dealing with Indians,” a subtle jab at Miles’ argument that Forsyth, had he understood history, should have expected treachery. When the Lakotas seemed reticent to surrender their weapons, Forsyth dispatched men to search the camp, where they found “the squaws making every effort to conceal” weapons.¹⁶⁰ Proctor contended that the Ghost Dance medicine man then incited the warriors, who had been hiding guns under their blankets, to open fire on the soldiers. Following Whitside’s testimony, the secretary argued that the warriors fired “at least fifty shots” before the cavalrymen returned fire.¹⁶¹

The warriors, driven by “insane desperation,” were alone at fault for the deaths of their women and children. “Nothing illustrates the madness of their outbreak more forcibly than the fact that their first fire was so directed that every shot that did not hit a soldier must have gone through their own village. There is little doubt that the first killings of women and children was by this first fire of the Indians themselves.” The warriors then broke through the soldiers’ ranks, retrieved the weapons ostensibly hidden in the camp, and continued firing at the troops. Thereafter, the soldiers had no choice but to fire into groups that included men, women, and children. Repeating a stock justification for killing noncombatants, Proctor argued that the troops could not “distinguish buck from squaw at a little distance when mounted.” Despite the enlisted men’s apparent inability to discern men from women, the officers were sufficiently clairvoyant to warn their men not to fire on noncombatants. Proctor summarily dismissed Baldwin’s claim that Seventh Cavalrymen had executed the woman and children found three miles from Wounded Knee. He concluded that those killings were not connected to the

¹⁶⁰ Proctor to Miles, February 12, 1891, 1, M983-2, 2:1130.

¹⁶¹ Proctor to Miles, February 12, 1891, 2, M983-2, 2:1131.

fight, thereby absolving Forsyth of any responsibility in the deaths.¹⁶²

Proctor concluded his report by honoring the Seventh Cavalry for Wounded Knee. There was no evidence that friendly fire had caused the deaths of any of the troops, which reflected “an exceedingly satisfactory state of discipline.” Forsyth’s men had conducted themselves with “skill, coolness, discretion and forbearance.” Although the circumstances of the fight were out of the ordinary, Proctor concluded that neither Forsyth nor his troops had done anything worthy of condemnation. Citing President Harrison’s approval, the secretary reinstated the colonel to his command.¹⁶³

Conclusion

With that, the investigation of the conduct of Forsyth and his men at Wounded Knee Creek, South Dakota, on December 29, 1890, was closed. Miles took Proctor’s decision personally. When asked for his reaction, he replied: “I do not care to make any statement in regard to it, nor do I care to review the case. What I did, I would do again under the same circumstances.”¹⁶⁴ Subsequently, however, he privately argued that Proctor’s report was a “suppression of the truth,” which Miles interpreted as a “personal assault.”¹⁶⁵ The *Army and Navy Journal* noted in mid-February 1891 that Miles had violated “a rule of exemption,” which protected both individual soldiers as well as the army as an institution “against calumny and recrimination.” The rule ensured that “reputations honestly and previously established” would remain intact, even if mistakes were made during an otherwise “gallant and faithful discharge of duty.”¹⁶⁶ It was later speculated that Proctor had punished the major general

¹⁶² Proctor to Miles, February 12, 1891, 2, M983-2, 2:1131.

¹⁶³ Proctor to Miles, February 12, 1891, 3, M983-2, 2:1132.

¹⁶⁴ “General Miles Declines to Talk,” *Omaha World-Herald*, February 13, 1891.

¹⁶⁵ Quoted in Jerry Green, ed., *After Wounded Knee: Correspondence of Major and Surgeon John Vance Lauderdale while Serving with the Army Occupying the Pine Ridge Indian Reservation, 1890-1891* (East Lansing: Michigan State University Press, 1996), 39.

¹⁶⁶ “The Case of General Forsyth,” *Army and Navy Journal*, February 14, 1891, 425; see also *Omaha World-Herald*, January 18, 1891, p. 4.

for his public indiscretion by substantially reducing the size of Miles' Division of the Missouri.¹⁶⁷

The major general had also lost the struggle over memory, as Proctor had marginalized Miles' interpretation of Wounded Knee as a massacre in the official report, which reflected the Gilded Age by eliding charges of corruption. The secretary had instead established an authoritative interpretation of the inquiry record, portraying Wounded Knee as a heroic victory over "treacherous savages" who had killed their own women and children. Forsyth and his allies would subsequently sear this image of Wounded Knee into national memory, as embodied in twenty Congressional Medals of Honor for his men and an obelisk for those soldiers who gave their lives while subduing Big Foot's band. For several years after Proctor's decision, Miles ceased his efforts to publicly contest Forsyth's version of Wounded Knee, creating a vacuum that would ultimately be filled by the Lakota survivors. Although they had played only a small role in the interpretive debates over Wounded Knee in early 1891, as the decade progressed they recovered from their wounds, organized as survivors, and inscribed a counter-memory of the massacre on the American landscape.

¹⁶⁷ "Plans of the President," *Omaha Daily Bee*, August 10, 1892.

Chapter 2

Competing Sites of Wounded Knee Memory: Fort Riley and Pine Ridge

Six and half years after the US Seventh Cavalry killed more than two hundred members of Minneconjou Lakota Chief Big Foot's band at Wounded Knee Creek, South Dakota, the *New York World* reported that the Lakotas had recently drafted a proposal for a memorial to those who died on December 29, 1890. "The Indians declare that the Great Father erects suitable monuments to the memory of the soldiers of his army who are killed in battle, and therefore they should be conceded the same rights."¹ Recognizing the power of monuments—which had multiplied over the American landscape since the Civil War—to shape public memory, the Lakotas desired one of their own to recount their story of Wounded Knee.² Assuming that the Lakotas' proposed monument would be similar to those that honored white veterans of the Civil and Indian Wars, the *World* suggested that the survivors' obelisk would praise "the heroic deeds of the departed."³ Although they borrowed the idea for a memorial from the broader culture, the Indians intended something quite different than what the *World* presumed. Rather than simply commemorate brave warriors, the survivors of Wounded Knee saw the monument as a protest against the wanton slaughter of their people by US troops.⁴

When dedicated in 1903, the Lakotas' monument to the "the Big Foot Massacre" entered a memorial landscape already dominated by the Seventh Cavalry. In mid-February 1891, Secretary of War Redfield Proctor had vindicated Colonel James W. Forsyth from charges of perpetrating a

¹ "The Hitherto Untold Horrors of the Battle of Wounded Knee Described by a United States Cavalry Officer," *New York World*, June 6, 1897.

² Erika Doss, *Monument Mania: Public Feeling in America* (Chicago: University of Chicago Press, 2010), 24, 27.

³ "The Hitherto Untold Horrors of the Battle of Wounded Knee," *New York World*, June 6, 1897.

⁴ "Indian Protest in Granite: Sioux to Commemorate What They Call the Chief Big Foot Massacre," *New York Sun*, November 2, 1902.

massacre at Wounded Knee. In order to restore his tarnished reputation, the colonel and his supporters grafted the engagement into the Seventh Cavalry's regimental traditions (which, in turn, they framed within the regiment's contributions to national memory) at Fort Riley, Kansas, located five hundred and fifty miles southeast of Wounded Knee, South Dakota. The colonel understood that public commemorations could promote consensus and elide controversy by enshrining an authoritative narrative in public memory. Since Fort Riley represented a stake in the United States' tent of sovereignty covering the West, subsequent federal stewards ensured that Forsyth's contributions to the fort's built environment would be preserved and protected even after his departure. However, as a military base with a transient population, the question remained whether Fort Riley's subsequent denizens would continue Forsyth's commemorative zeal. In the early 1890s, however, Forsyth labored vigorously to control the memory of Wounded Knee through celebrations, public conferrals of twenty Congressional Medals of Honor, and the erection of a monument to his soldiers.⁵

The Lakota survivors built their own memorial traditions around Wounded Knee on the Pine Ridge Reservation in South Dakota. The Lakotas understood that, although commemorations had the potential to unify disparate groups in a society, inscribing Wounded Knee as a massacre in government documents, compensation petitions, and in a monument would contest and substantially disrupt the dominant society's memory of the event.⁶ Although federal agents administered the reservation, the Lakotas saw the place as their treaty-protected homeland, ensuring them ready access to the massacre site and mass grave, as well as the power to interpret the place as they saw fit. From these competing sites of memory—Fort Riley and Wounded Knee—the Seventh Cavalry and the Lakotas, mediated by

⁵ Barry Schwartz, "The Social Context of Commemoration: A Study in Collective Memory," *Social Forces* 61, no. 2 (December 1982): 374-402; Michael Kammen, *Mystic Chords of Memory: The Transformation of Tradition in American Culture* (New York: Knopf, 1991).

⁶ Michael Kammen, "Commemoration and Contestation in American Culture: Historical Perspectives," *Amerikastudien/American Studies* 48, no. 2 (2003): 185-205.

federal officials in Washington, D.C., struggled over the meaning of the deaths that occurred on December 29, 1890.

Commemorating Wounded Knee at Fort Riley

The Seventh Cavalry's urge to commemorate Wounded Knee at Fort Riley reflected the broader memorial culture that had characterized the post-Civil War era. During the 1860s, the federal government formalized the process of registering and marking the graves of Union soldiers, with Congress creating the first permanent National Cemeteries during the war to protect and maintain the troops' final resting places.⁷ Decoration Day, later known as Memorial Day, emerged after the war as a day to honor the dead and decorate graves. Americans built monuments to their dead in ever increasing numbers after the war. Reverencing the dead allowed mourning communities to give meaning to the loss of their departed loved ones. Decoration Day orators in the north frequently invoked religious language of sacrifice and martyrdom to argue that soldiers had shed their blood for a unified and democratic nation, while many blacks and white former abolitionists celebrated emancipation. Below the Mason-Dixon, Southerners interpreted their comrades' deaths as sacrifices for the Confederacy's Lost Cause. Although commemorating the dead had divisive undertones, there was also a strong sense that even enemy soldiers could be honored for heroism.⁸

The Civil War also created new mnemonic practices and symbols for soldiers who survived. The postwar era elevated veterans to a public position that they had not enjoyed previously, and offered a multitude of channels to obtain recognition and validation from society. Congress created the Medal

⁷ G. Kurt Piehler, *Remembering War the American Way* (Washington, DC: Smithsonian Institution Press, 1995), 49-52; Mark Hughes, *Bivouac of the Dead* (Bowie, MD: Heritage Books, 1995), 6; John R. Neff, *Honoring the Civil War Dead: Commemoration and the Problem of Reconciliation*. Modern War Studies (Lawrence: University Press of Kansas, 2005), 103-41.

⁸ David W. Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge: The Belknap Press of Harvard University Press, 2001), 64-97; Kirk Savage, *Standing Soldiers, Kneeling Slaves: Race, War, and Monument in Nineteenth-Century America* (Princeton: Princeton University Press, 1997).

of Honor during the war, which became the nation's highest recognition of valor on the battlefield.⁹ Veterans' organizations such as the Grand Army of the Republic held reunions and were powerful lobbying organizations that promoted veterans' causes. Publishing houses earnestly sought out reminiscences from generals and common soldiers alike. Honoring veterans eventually led to Blue-Gray reunions where former foes came together to remember each others' heroic deeds on the battlefield and to forget a major outcome of the war: emancipation. Sectional reconciliation—symbolized by white Union and Confederate veterans joining hands—came at the cost of excluding blacks from the political nation through Jim Crow.¹⁰

Since many Civil War veterans later served in the Indian Wars, they brought these postwar commemorative traditions to western forts. After the Mexican Cession of 1848 and the discovery of gold in California a year later, violence erupted in the 1850s as white settlers encroached on Native lands. The US Army established dozens of new forts throughout the West, including Fort Riley in 1853, to protect the overland trails, the growing agricultural settlements, mining operations, and railroads. These posts represented American sovereignty and authority in the region.¹¹ In 1866, the Seventh Cavalry was organized at the post, and for a time served as George Armstrong Custer's home and regimental headquarters. Fort Riley—like Custer National Cemetery in Montana, Fort Leavenworth in Kansas, and other western posts in the post-Civil War era—served as an army site of memory, maintaining a post cemetery, holding celebrations on Decoration/Memorial Day and other occasions, and erecting monuments to deceased soldiers. In addition to heralding soldiers who fought to sustain the Union, memorial traditions on western forts applied the religious language of sacrifice and

⁹ See Ron Owens, *Medal of Honor: Historical Facts and Figures* (Paduca, KY: Turner Publishing Co., 2004).

¹⁰ Blight, *Race and Reunion*, 171-210.

¹¹ Francis Paul Prucha, "forts," in *The New Encyclopedia of the American West*, ed. Howard R. Lamar (New Haven: Yale University Press, 1998), 387-90; Anne F. Hyde, *Empires, Nations, and Families: A History of the North American West, 1800-1860*. History of the American West Series (Lincoln: University of Nebraska Press, 2011), 347-514.

martyrdom to a race war context, celebrating brave men like Custer who gave their lives in the struggle between “civilization” and “savagery.” Since the post-Civil War era was considered “peacetime,” without any officially declared wars, it was crucial for post commanders to promote their subordinates’ conduct in Indian campaigns in order to create advancement opportunities. A fort’s commemorative traditions provided an ideal platform for such promotions.¹²

Controlling public memory was also an effective means of defending reputations against allegations of un-soldierly conduct in the field. As news of Wounded Knee reached Fort Riley in late December 1890, the community around the fort showed its eagerness to defend the troops against charges of killing unarmed Lakota women and children. The post chaplain, Reverend D. R. Lowell, praised the Seventh Cavalry in a January 4 sermon for honoring their “responsibility to thousands of defenseless families on the frontier; responsibility to their comrades in arms; [and] responsibility to the whole country.” Colonel Forsyth’s men had met the Lakotas’ “unexpected treachery” with bravery, nobility, and heroism. And yet, Lowell charged, “cowardly” newspapers had portrayed the cavalymen “as the bloodiest of butchers, the most unfeeling and cruel of men, [and] as fiends unparalleled by darkest barbarism.” The chaplain also invoked the image of the soldiers’ “brave” wives, “not less heroic than their husbands and suffering not less, with hearts already broken,” being forced “to endure the additional pain of seeing their honored husbands” slandered in the press. Lowell argued that the troops’ “fair names” and “reputations” should be defended against such calumny.¹³

Standing with their men, the Fort Riley community held a solemn funeral for Captain George D. Wallace, the most famous officer killed at Wounded Knee. Although he would ultimately be buried on

¹² Richard Slotkin, *The Fatal Environment: The Myth of the Frontier: The Myth of the Frontier in the Age of Industrialization, 1800-1860* (1985; repr., Norman: University of Oklahoma Press, 1998), 228-29; William McKale and William D. Young, *Fort Riley: Citadel of the Frontier West* (Topeka: Kansas State Historical Society, 2000); Hughes, *Bivouac of the Dead*, 37-39, 147-49, 194-95; Jerome A. Greene, *Stricken Field: The Little Bighorn Since 1876* (Norman: University of Oklahoma Press, 2008).

¹³ “Loyal to the Seventh,” *Junction City Republican*, January 9, 1891.

January 7 in the family cemetery in Yorkville, South Carolina, his body stopped at Fort Riley to allow a grieving community to see him a final time. “Every available man in the post was drawn up in line at the depot and upon the arrival of the train presented arms while the Seventh cavalry band played a beautiful dirge. The captain’s gray horse was draped in mourning.”¹⁴ As injured members of the Seventh Cavalry returned to Fort Riley in early January, they were given a heroes’ welcome.¹⁵ Two injured soldiers, Sergeants Henry Howard and Alvin H. Haselwood, both subsequently succumbed to their wounds and were buried as “heroes of Wounded Knee” in Fort Riley’s post cemetery.¹⁶

The *Junction City Republican*, the “hometown” newspaper at Fort Riley, declared that Forsyth’s “numerous friends in this city” believed that Major General Nelson A. Miles’s “jealousy and hate” had led to an “unmilitary and ungentlemanly attack on a brother officer.” The paper declared that the evidence assembled by the January 1891 court of inquiry proved Forsyth “to be a thorough commanding officer, well posted in Indian warfare, and the result at Wounded Knee without parallel in military movements against the Indians.”¹⁷ When word reached the post in mid-February that the War Department had exonerated Forsyth and restored him to his command, the troops in the post’s mess hall rejoiced for their commander. An eyewitness noted that “for a few seconds you could hear a pin drop.” The four hundred and thirty seven men present then exploded with three cheers “for their gallant colonel,” followed by a “tiger,” or a howl that intensified the applause. The cheers “were given with such vim as to make the immense trusses which span the building fairly shake.” Subsequently, “the

¹⁴ *Democratic Sentinel (Junction City, KS)*, January 8, 1891; “Our Dead at Home,” *Junction City (KS) Republican*, January 9, 1891.

¹⁵ *Democratic Sentinel (Junction City, KS)*, January 22, 1891; *Junction City Republican*, June 12, 1891, 7.

¹⁶ “Army News,” *Junction City (KS) Republican*, January 9, 1891; *Democratic Sentinel (Junction City, KS)*, January 29, 1891; “Death of Haselwood: One of the Gallant Heroes of Wounded Knee Dies at Fort Riley,” *Democratic Sentinel (Junction City, KS)*, March 19, 1891. Howard, I Troop, and Haselwood, A Troop, were buried in lots F:10 and F:13 in the post cemetery, respectively.

¹⁷ “A Complete Vindication,” *Junction City (KS) Republican*, February 20, 1891.

whole command marched in company front to the general's quarters where the cheers were again renewed with redoubled vigor." Forsyth appeared before his men and thanked them for their conduct on the field and "for the manly way in which they endorsed the [Department's] decision."¹⁸ Over the next week, congratulatory telegrams flooded into Forsyth's mailbox from Philadelphia, Fort Leavenworth, Omaha, Chicago, Washington, D.C., and elsewhere, as friends expressed their approval and congratulations for the exoneration. Brigadier General John R. Brooke, who had testified before the inquiry in January, sent his "congratulations on action taken at Washington regarding [Forsyth's] course at Wounded Knee." The *Junction City Republican* published excerpts of the telegrams in order to publicize the broad range of prominent people who supported the colonel.¹⁹

In April 1891, the Seventh Cavalry band honored Forsyth and his men with a "Grand Star" concert, which was "the grandest musical event of the season" at Fort Riley. Prominent European musicians and singers who were visiting Kansas joined the band onstage.²⁰ A *Junction City Republican's* correspondent who attended the concert reported that "the music throughout was of a very high order, and the execution faultless." Furthermore, "the description of the Battle of Wounded Knee was thrilling in the extreme" and the portrayal of "the death of Capt. Wallace . . . produced a visible effect on the audience." The reception was so positive that a repeat performance was held two weeks later in Junction City.²¹ In the aftermath of Miles' attempt to portray Wounded Knee as a massacre, Forsyth and his supporters succeeded in using commemorative events at Fort Riley to promote a heroic and unifying interpretation of the violence in South Dakota.

¹⁸ "How the News Was Received Here," *Junction City Republican*, February 20, 1891. "In the United States, after three cheers are given, it is usual to add a howl, called 'the tiger,' in order to intensify the applause" (Albert Barrere, ed., *A Dictionary of Slang, Jargon, and Cant* [London: George Bell and Sons, 1897], 2:334).

¹⁹ "Congratulatory Telegrams," *Junction City Republican*, February 20, 1891.

²⁰ *Junction City Republican*, April 3, 1891, 7.

²¹ "Concert at Fort Riley," *Democratic Sentinel (Junction City, KS)*, April 16, 1891.

Recognizing Gallant and Meritorious Conduct

To strengthen the growing public consensus that the men who fought at Wounded Knee were gallant heroes who the press and Miles had unfairly slandered, Forsyth and his officers petitioned the War Department to recognize several members of the Seventh Cavalry and the First and Second Artillery with the nation's highest military encomium, the Congressional Medal of Honor.²² The government instituted the medal during the Civil War to honor those who had distinguished themselves with bravery, gallantry, and other soldier-like qualities.²³ Officers observed the conduct of their men in the field and, in cases of extraordinary valor, recommended that deserving individuals receive a medal. Whereas during the Civil War promotion in rank was frequently a rapid process, in the postwar decades advancement was often deliberately slow, and the Medal of Honor was the most visible means for the government to reward gallantry. In an era defined by the public veneration of veterans who had sacrificed so much for the national cause, such medals were coveted symbols of official recognition.²⁴

Prior to reforms in the late nineteenth- and early-twentieth centuries, the standards for awarding Medals of Honor were vague and unstandardized, which produced a highly politicized system. In one early example of Medal of Honor profligacy, Secretary of War Edwin Stanton in June 1863 promised every man of the 27th Maine Infantry a Medal of Honor if they would voluntarily remain beyond their enlistments to protect Washington, D.C. About three hundred soldiers remained in the nation's capital for four additional yet uneventful days. Due to clerical errors, the government issued all eight hundred

²² Jerry Green, "The Medals of Wounded Knee," originally published in *Nebraska History* (Summer 1994), accessed April 19, 2012, <http://www.dickshovel.com/GreenIntro.html>; Brig. Gen. James W. Forsyth to Sec. of War Daniel S. Lamont, September 1, 1895, *Reports And Correspondence Relating To The Army Investigations Of The Battle At Wounded Knee And To The Sioux Campaign Of 1890-1891* (Washington, DC: Government Printing Office, 1975), M983-2.

²³ Allen Mikaelian, *Medal of Honor: Profiles of America's Military Heroes From the Civil War to the Present* (New York: Bill Adler Books, 2002), xviii.

²⁴ Robert Wooster, email to the author, June 27, 2012.

and sixty-four Maine infantrymen Medals of Honor.²⁵ In other cases, leaders of factions within the army sought to extend their influence by obtaining medals first for themselves, and then for as many of their friends and protégés as possible.²⁶

In the wake of the controversy surrounding noncombatant deaths at Wounded Knee, the War Department issued twenty Medals of Honor to soldiers who fought in the engagement. Sixteen of the twenty medals went to the Seventh Cavalry; three went to the First Artillery; and one to the Second Artillery.²⁷ Wounded Knee therefore ranked second only to the Battle of the Little Bighorn—for which twenty-four members of the Seventh Cavalry received medals—among the most decorated engagements of the Indian Wars.²⁸ Even allowing for the era’s lax standards, significant questions remain regarding the legitimacy of these medals. In no other instance had the War Department been so generous with Medals of Honor after critics charged troopers of perpetrating a massacre. At Wounded Knee, the troops outnumbered the warriors almost five to one, and a majority of the Lakota men had been disarmed prior to the outbreak of shooting. The actual fighting lasted less than an hour, whereas prior engagements deemed heroic had lasted several hours and even days. Some of the men who received medals for their conduct at Wounded Knee had questionable characters, including artilleryman John Clancy, who was court-martialed eight times during his career, twice in 1891 alone.

Additionally, most of the citations for the Wounded Knee medals only vaguely heralded the “gallantry,”

²⁵ An official review board in 1917 rescinded the 27th Maine Infantry’s medals (“The Purge of 1917,” accessed April 15, 2013, http://www.homeofheroes.com/moh/corrections/purge_army.html).

²⁶ Robert Wooster, email to the author, June 27, 2012.

²⁷ *Awarded in 1891: A Troop:* Pvt. George Hobday, and Pvt. Adam Neder; *B Troop:* Serg. James Ward, and Pvt. Marvin C. Hillock; *E Troop:* Serg. Albert W. McMillan, Serg. William G. Austin, Pvt. Mosheim Feaster, Pvt. Thomas Sullivan, and Pvt. Herman Ziegner; *G Troop:* 1st Serg. Frederick E. Toy and Pvt. Matthew Hamilton; *I Troop:* 1st Serg. Jacob Trautman and Serg. George Loyd; *K Troop:* Serg. Bernhard Jetter; *1st Art.:* Corp. Paul Weiner, and Pvt. Jacob B. Hartzog. *Awarded in 1892:* Musician John E. Clancy, 1st Artillery and 1st Lt. Harry L. Hawthorne, 2nd Artillery. *Awarded in 1893:* 1st Lt. Ernest A. Garlington, A Troop. *Awarded in 1895:* 1st Lt. John C. Gresham, B Troop. (accessed July 20, 2012, <http://www.history.army.mil/html/moh/indianwars.html>).

²⁸ See Owens, *Medal of Honor*, 49.

“distinguished conduct,” and “bravery” of the recipients—with few identifying specific acts of heroism—thereby reinforcing the impression that the medals were awarded primarily to bolster the Seventh Cavalry in the midst of the Miles’ controversy, as well as to grant favors to subordinates.²⁹

The medals played a key role in subsequent commemorations of Wounded Knee at Fort Riley, demonstrating that remembering the past relies as much on objects as words.³⁰ Historically, federal officials had mailed medals to recipients, without pomp or circumstance.³¹ However, Forsyth’s officers departed from this policy and held several open ceremonies to confer medals on their men. This allowed the Seventh Cavalry to implicitly counter accusations of un-soldierly conduct at Wounded Knee as well as hold up the troops who fought in South Dakota as models of honorable conduct. At a gala day parade for Fort Riley’s artillery units held on April 24, 1891, Second Lieutenant Harry L. Hawthorne of the Second US Artillery—who had been seriously injured himself in the fighting—pinned medals on Corporal Paul H. Weinert and Private Joshua B. Hartzog, both of Company E of the First US Artillery. The *Omaha Bee* had recounted in mid-January that the Hotchkiss Cannon-firing corporal had launched “shell after shell” at fleeing Lakotas. “They went down like grain before the reaper—not by ones, twos or threes, but by dozens.”³² One officer noted that “it is our duty as officers to encourage the enlisted men by every means in our power and to show our appreciation for gallant and meritorious conduct when occasion requires.” The Seventh Cavalry proudly celebrated the government’s official recognition of bravery at Wounded Knee.³³

²⁹ Green, “The Medals of Wounded Knee,” originally published in *Nebraska History* (Summer 1994), accessed April 19, 2012, updated online at <http://www.dickshovel.com/GreenIntro.html>; “Medal of Honor Recipients: Indian Wars Period,” accessed July 20, 2012, <http://www.history.army.mil/html/moh/indianwars.html>.

³⁰ Alan Radley, “Artefacts, Memory and a Sense of the Past,” in *Collective Remembering*, eds. David Middleton and Derek Edwards (London: Sage, 1990), 57.

³¹ “Decoration of an American Soldier,” *Harper’s Weekly*, September 19, 1891, 716.

³² “Paul Winert’s Bravery,” *Omaha Daily Bee*, January 16, 1891.

³³ “Presentation of the Medals,” *Junction City (KS) Republican*, May 1, 1891, p. 8, c. 4.

During a Decoration Day parade on May 30, 1891, Captain W. S. Edgerly, commander of G Troop, pinned a medal on Private Matthew H. Hamilton in front of “hundreds of citizens,” which comprised “the largest and most orderly crowd of people ever assembled in [Junction City].” After decorating veterans’ graves, Captain J. R. McClure reminded the crowd of the great debt owed to the army for preserving the Union during the Civil War. As for the Indian Wars, McClure explained that the Seventh Cavalry had “lost more men in campaigns against the Indians than any other regiment in the service.” He interpreted Wounded Knee as justified revenge for the Lakotas’ previous “annihilation” of Colonel George Armstrong Custer and the Seventh Cavalry at the Little Bighorn in 1876. Just as the Lakotas had extended no mercy to Custer, Forsyth’s men had granted no quarter after Big Foot’s warriors had “treacherously” attacked the troops. Although “a few over sensitive Christians charged [the Seventh Cavalry] with killing women,” McClure contended that the noncombatants were themselves to blame for getting “in the way” of the troops administering “a fitting punishment for [the Lakotas’] rebellious and barbarous conduct and cruelty.”³⁴ In subsequent weeks, E Troop’s Thomas Sullivan, Moshen Feaster, Herman Ziegner, and William G. Austin were all publicly presented Medals of Honor “for conspicuous bravery upon the field of battle.”³⁵

Although the War Department willingly awarded Medals of Honor to Forsyth’s men for Wounded Knee, Miles still retained significant power and respect in the department. When Forsyth sought honorable mentions for some of his officers, the major general dismissed the recommendations as “an insult to the memory of the dead as well as to the brave men living.”³⁶ Some speculated in 1891 that Forsyth, “who won additional laurels by his gallant action in fighting the bloodthirsty Sioux,

³⁴ “Decoration Day,” *Junction City (KS) Republican*, June 5, 1891, p. 7, c. 3-4.

³⁵ “Fort Riley,” *Junction City (KS) Republican*, July 3, 1891, p. 7, c. 6; “More Honors for E Troop,” *Junction City (KS) Republican*, July 10, 1891, p. 7, c. 4-5.

³⁶ Green, “The Medals of Wounded Knee,” originally published in *Nebraska History* (Summer 1994), accessed April 19, 2012, updated online at <http://www.dickshovel.com/GreenIntro.html>.

[would] soon be promoted” to brigadier general. However, the promotion went to someone else, which some observers concluded was due to Miles’ influence.³⁷ Not until November 9, 1894, would Forsyth be advanced in rank.³⁸ Others saw evidence of persistent fall-out for Forsyth from the Miles controversy when the Honor Roll, an annual list of soldiers officially recognized for meritorious conduct, was announced in December 1891. Although the roll included thirty-two men who fought at Wounded Knee, the *Omaha Daily Bee* argued that it was a “lamentable farce” that Forsyth and Major Samuel M. Whitside had been excluded from the list, since their “intrepidity [had] prevented further slaughter of the soldiers at Wounded Knee.”³⁹ Forsyth may have survived the court of inquiry with considerable clout, but government officials in Washington, D.C. were more willing to honor the colonel’s men than the colonel himself.

In spite of the limits imposed from the nation’s capital on Forsyth’s commemorative activities, the Medal of Honor’s design had symbolized the post-Wounded Knee situation at Fort Riley well. Under an eagle and American flag, the medal’s face portrayed the Greek goddess Minerva, who represented war and Athenian democracy. She employed a shield marked by stars and stripes for defense while attacking with a fasces, or bound sticks, which represented for the Romans both unity and authority. The medals also portrayed Minerva’s nemesis, Discord, who attacked with serpents.⁴⁰ While the symbolism most readily applied to the Civil War, Forsyth’s officers had stood united behind

³⁷ *Democratic Sentinel (Junction City, KS)*, April 2, 1891; “He May Be Promoted Now,” *Omaha Daily Bee*, August 24, 1891.

³⁸ “They Head the Army,” *Washington (DC) Times*, November 10, 1894.

³⁹ “Recent Army Decorations,” *Omaha Daily Bee*, December 30, 1891. All of the Medal of Honor recipients noted above, except for Musician John C. Clancy, were included in the Roll of Honor, although Harry L. Hawthorne, Ernest A. Garlington, and John C. Gresham had not yet received their medals. The others named to the roll include: *B Troop*: Capt. Charles A. Varnum and Serg. Harry W. Capron; *E Troop*: 1st Lt. Horatio G. Sickel, and Serg. John F. Trittle; *I Troop*: Capt. Henry K. Nowlan; *K Troop*: Pvt. Frederick George, Trumpeter James Christianson, and Nathan Follman; *Ist Art.*: Capt. Allyn Capron, Priv. George Green, and Priv. John Flood; *Hospital Corps.*: Lt. Col. Dallas Bache, medical director and Maj. John Van R. Hoff, surgeon (“Roll of Honor of the Army,” *Omaha World-Herald*, December 27, 1891).

⁴⁰ Mikaelian, *Medal of Honor*, xviii.

their commander in the face of divisive accusations. Fort Riley had seen a rising crescendo of public commemorative activities—Reverend Lowell’s defensive yet laudatory sermon, the funerals of Wallace, Howard, and Haselwood, the celebration for Forsyth’s exoneration, and the series of public conferrals of Medals of Honor—that upheld a certain narrative of Wounded Knee as a heroic battle that should be honored, respected, and remembered, while discouraging open dissent from that view.

Engraving Martyrs’ Names in Polished Granite

As the first anniversary of Wounded Knee approached, Forsyth proposed that the Seventh Cavalry weld Wounded Knee into Fort Riley’s permanent landscape by building a monument “in memory of the men who lost their lives on the fields of battle.” The monument would commemorate both Wounded Knee and a skirmish that occurred nearby at the Drexel Mission on December 30, 1890, where two Seventh Cavalrymen were killed. In keeping with nineteenth-century American custom, the donations of enlisted men, officers, and private citizens—rather than tax dollars—would fund its construction.⁴¹ A century earlier, erecting an obelisk to ordinary soldiers would have been a novel idea. For much of human history, only the ruling classes had marked their burial places and commemorated their actions, but industrialization and urbanization in the late eighteenth- and early nineteenth-centuries had dramatically democratized burial practices and accompanying funereal markers.⁴² As early as 1799 Americans had erected a shaft to commemorate the “martyrs” killed in the Battle of Lexington, whose blood was shed “In the cause of God & their Country.” However, prior to the Civil War most memorials in the United States remembered great generals, not ordinary soldiers.⁴³

⁴¹ “History of Four of the Greatest Wars in the History of Indian Warfare,” *Junction City (KS) Union*, July 27, 1893; Piehler, *Remembering War the American Way*.

⁴² H. W. Janson, *The Rise and Fall of the Public Monument* (New Orleans: The Graduate School Tulane University, 1976), 2; Armando Petrucci, *Writing the Dead: Death and Writing Strategies in the Western Tradition*, trans. Michael Sullivan (Stanford: Stanford University Press, 1998).

⁴³ Savage, *Standing Soldiers, Kneeling Slaves*, 166-68; image of monument, accessed April 29, 2013, http://upload.wikimedia.org/wikipedia/commons/d/d3/Monument_inscription_-_Lexington%2C_MA.JPG.

After 1865, monuments to common soldiers proliferated on the American memorial landscape. The nearly incomprehensible number of the dead, combined with the shared experience of a mass army of volunteer soldiers, led both Northerners and Southerners to memorialize the names of those who died heroic deaths defending the nation, whether that was imagined as the Union or the South's Lost Cause.⁴⁴ By inscribing the names of the dead, monument sponsors sought to solidify particular interpretations of the soldiers' deaths and bind future generations emotionally to the cause and the community for which they died. Their goal was to curtail debate and discord by establishing a single authoritative narrative of the community's past in the apparent permanence of an obelisk. In spite of the opportunity in the postwar years to imagine a racially unified nation, most of the monuments in both the North and the South depicted common soldiers as heroic white males, with blacks only appearing as slaves receiving freedom from great white men or faithful slaves of a bygone era.⁴⁵

In the West, federal troops erected monuments to the heroic sacrifices of martyrs who paid the ultimate price for the establishment of civilization. Placed at sites of federal power, these fixtures cemented in public memory the martial consolidation of American sovereignty and control of western lands. For example, Colonel P. Edward Connor and his California Volunteers dedicated a shaft in 1864 in the post cemetery at Camp Douglas, Utah, to the soldiers killed in an engagement with Shoshone Indians at Bear River, Idaho Territory, the year previous. Although subsequent commentators would brand Bear River a massacre of hundreds of men, women, and children, Connor lauded the fight as a heroic victory that brought peace and civilization to the region, and as such, those soldiers who died should be honored for their service to the nation.⁴⁶ Three years later in the post cemetery at Fort

⁴⁴ Savage, *Standing Soldiers, Kneeling Slaves*, 166-68.

⁴⁵ Savage, *Standing Soldiers, Kneeling Slaves*, 4-8; Franciose Choay, *The Invention of the Historic Monument*, trans. Lauren M. O'Connell (Cambridge: Cambridge University Press, 2001); Kenneth E. Foote, *Shadowed Ground: America's Landscapes of Violence and Tragedy*, Rev. ed. (Austin: University of Texas Press, 2003), 111-44.

⁴⁶ Ephraim D. Dickson III, "Honoring the Fallen: Establishment of the Fort Douglas Cemetery," *Fort Douglas*

Wallace, Kansas, the Seventh Cavalry erected an obelisk “in memory of the soldiers killed in action” against Indians.⁴⁷ In 1879, the Department of War created a national cemetery in Montana Territory to protect the bodies of the Seventh Cavalrymen killed in the Battle of the Little Bighorn. Two years later, mourners erected an eighteen-ton granite monument to honor Colonel George Armstrong Custer and the two hundred and sixty men killed by Sioux, Cheyenne, and Arapaho warriors on June 25, 1876. Observers saw the obelisk as a “landmark of the conflict between civilization and barbarism.”⁴⁸

Unlike the memorial traditions surrounding the Battle of the Little Bighorn, which emerged at the actual site of Custer’s death and defeat, Forsyth believed that Fort Riley was the best location for his monument to the soldiers killed at Wounded Knee. Despite the fact that only two of his men were buried in the fort’s post cemetery—the majority of those killed at Wounded Knee remained interred at the Pine Ridge Agency in South Dakota—maintaining and protecting a memorial to the Seventh Cavalry on the reservation would have been expensive and laborious in that unreceptive climate. In contrast, as Forsyth had found in early 1891, Fort Riley and its surrounding community provided a natural constituency to sustain the colonel’s commemorative efforts. Discussing the proposed memorial, the *Chicago Daily Inter Ocean* noted that “these brave men, whose battle cry was ‘Remember Custer,’ lived [at Fort Riley], and it was from that place that they went off into the Dakota hills to fight the redskins in the snow of a December evening. Fitting it is that under the shade of Fort Riley should be a shaft to the memory of those brave Indian fighters.”⁴⁹

After a year and a half of fundraising, designing, and constructing the monument, the

Vedette: Newsletter of the Fort Douglas Museum Association 34, no. 3 (Fall 2009): 3-6.

⁴⁷ Image of monument, accessed July 16, 2012, <http://www.kgs.ku.edu/Publications/Photos/Wallace/WA-Soldiers-monument.jpg>.

⁴⁸ Greene, *Stricken Field*, 20-33, quote at 31.

⁴⁹ “The Battle of Wounded Knee: Review of the Campaign Which a Monument Unveiling Recalls,” *Daily Inter Ocean* (Chicago), July 24, 1893.

dedication was scheduled for July 24, 1893. A local poet heightened anticipation by portraying Wounded Knee as the Seventh Cavalry's heroic stand against a vast Indian conspiracy "that had sworn death to all." The confederacy had gathered "from North and West," while "the Seventh responded to the country's will/ And met them at Wounded Knee." The poet invoked the notion that the troops killed at Wounded Knee had sacrificed their lives for the good of the nation: "And now the Seventh, with grateful sense/ Of highest service paid,/ Erects her lofty monument,/ Where martyred sons are laid."⁵⁰ More than ten thousand people from all over Kansas assembled at Fort Riley for the dedication on a sunny July morning. The *Junction City Union* claimed it was "the largest crowd that ever visited Fort Riley, the largest military reservation in the world." Farmers from surrounding areas suspended their work to attend, the Union Pacific Railroad provided discounted rates for visitors, and local businesses agreed to close their doors during the proceedings. The Seventh Cavalry marched in a mounted dress parade, the cavalry band played the "Star-Spangled Banner" and "America," the artillery performed various drills, and the cavalymen staged a sham battle to entertain the crowd.⁵¹

In his dedicatory oration, Kansas state legislator and attorney J. R. Burton argued that "treacherous" Lakota warriors had opened fire on unsuspecting troops.⁵² "A wily and savage foe armed with the best weapons at arms' length and without warning opened a deadly fire upon our soldiers." In spite of the surprise, "not a man wavered in the presence of death. They grappled with the treacherous foe and destroyed him and next day at Drexel Mission this regiment won another victory."⁵³ Reflecting

⁵⁰ C.J.C., "A Review: To the Boys of the Seventh," *Junction City (KS) Union*, July 8, 1893.

⁵¹ "Dedication Exercises at Fort Riley," *Democratic Sentinel (Junction City, KS)*, July 22, 1893; "Dedication at Fort Riley," *Democratic Sentinel (Junction City, KS)*, July 22, 1893; "History of Four of the Greatest Wars in the History of Indian Warfare," *Junction City (KS) Union*, July 27, 1893.

⁵² "Joseph Ralph Burton, 1852-1923," *Biographical Register of the United States Congress*, accessed September 19, 2011, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=B001154>.

⁵³ "Heroes of Wounded Knee," *Abilene (KS) Weekly Reflector*, July 27, 1893.

the notion that commemoration served to promote consensus rather than discord, Burton acknowledged that “for a short time” after Wounded Knee, “the spirit of criticism lifted its head claiming the battles were unnecessary and that the killing of the Indians was brutal, reflecting for a moment on the gallant colonel and his regiment.” However, a “hot wave of indignation” spread to “every lover of courage of honor in this country,” which dissipated the controversy. Real Americans, motivated by a sound understanding of the stakes of the nation’s Manifest Destiny, honored rather than reviled the Seventh Cavalry. Burton conveniently omitted that Forsyth’s principal critic was Major General Nelson A. Miles, an omission that facilitated the orator’s marginalization of the colonel’s critics.⁵⁴

Burton interpreted Wounded Knee in the context of the race war between Anglo-Saxon civilization and savagery.⁵⁵ For one thousand years before the arrival of Europeans, the Indians had not progressed in material, civic, or religious matters, and Burton was confident that the Natives would not have advanced if given another millennium. They therefore had no claim on the land. Dismissing critics who argued that “the Anglo-Saxon race obtained it unjustly, by force,” the orator contended “that no land belongs to any people or race when the claims of a better civilization are asserted.” Rather, “virtue and intelligence have the superior rights to ignorance and barbarism. It has ever been so and so it will continue until the end of time.” This “law of civilized progress” was irrevocable. Burton drew on his audience’s memories of the Civil War, arguing that free schools, free homes, and free labor ultimately permitted the North to develop a civilization superior to the South’s “slave labor, ignorance, idleness and crime.” Union troops thereby “combated and destroyed savage ideas championed by civilized men.” Although brave and committed to its cause, in final analysis the South was ultimately

⁵⁴ “Heroes of Wounded Knee,” *Abilene (KS) Weekly Reflector*, July 27, 1893; Savage, *Standing Soldiers, Kneeling Slaves*, 4. See also Capt. John C. Gresham, “The Wounded Knee Monument,” *Harper’s Weekly*, August 5, 1893, 752.

⁵⁵ Roy Harvey Pearce, *Savagism and Civilization: A Study of the Indian and the American Mind*, Rev. ed. (Berkeley: University of California Press, 1988), 155-68; Slotkin, *The Fatal Environment*, 228-29.

wrong and had to give way to the higher civilization. So it was with Indians and Euro-Americans.⁵⁶

In making his argument, Burton echoed earlier commentators who framed their remembrances around pivotal “last battles,” where heroic fighters suppressed indigenous marauders, brought peace to a region, and laid a foundation for subsequent progress and prosperity. The Great Basin’s settlers remembered 1863 as the year that Colonel P. Edward Connor’s troops ended the Shoshones’ “reign of terror” at Bear River, Idaho Territory.⁵⁷ Colonel John Milton Chivington argued that the Sand Creek Massacre of 1864 had pacified the plains of eastern Colorado, allowing Denver and other cities to thrive.⁵⁸ When challenging allegations that in 1871 the “old settlers” had massacred peaceful Apache women and children at Camp Grant, Arizona Territory, William Oury contended that violent suppression of Native peoples was an unfortunate yet necessary precursor to the civilized society that his critics hypocritically enjoyed.⁵⁹ Promoters similarly argued that the Modoc War of 1872-73, California’s “last Indian War,” had made the state safe for civilization.⁶⁰

Burton adapted these ideas, but rather than claiming that Wounded Knee was essential solely for the northern Great Plains’ subsequent prosperity, the legislator contended that the Seventh Cavalry’s 1890 victory concluded the race war for North America as a whole. It was the soldiers’ role to enforce the United States’ superior claims to the land. “From the landings of the Pilgrims to the battles of

⁵⁶ “Heroes of Wounded Knee,” *Abilene (KS) Weekly Reflector*, July 27, 1893; Brian W. Dippie, *The Vanishing American: White Attitudes and U.S. Indian Policy* (Lawrence: University Press of Kansas, 1982), 29-31.

⁵⁷ Scott R. Christensen, *Sagwitch: Shoshone Chieftain, Mormon Elder, 1822-1887* (Logan, UT: Utah State University Press, 1999), 58; *The Passing of the Redman: Being a Succinct Account of the Last Battle that Wrested Idaho from the Bondage of the Indians* (Preston, ID: Franklin County Historical Society and Monument Committee, 1917), accessed May 15, 2012, <http://archive.org/details/passingofredmanb00franrich>.

⁵⁸ Ari Kelman, *A Misplaced Massacre: Struggling Over the Memory of Sand Creek* (Cambridge: Harvard University Press, 2013), 9, 18.

⁵⁹ Karl Jacoby, *Shadows at Dawn: A Borderlands Massacre and the Violence of History* (New York: Penguin Press, 2008), 236-37.

⁶⁰ Boyd D. Cothran, “Marketplaces of Remembering: Violence, Colonialism, and American Innocence in the Making of the Modoc War,” (PhD diss., University of Minnesota, 2012), 153-205.

Wounded Knee and Drexel Mission, the soldier has been the frontiersman, clearing the way for the coming of our civilization.” Soldiers made possible all the United States’ historic advances in civil government. In addition, the troops protected and preserved “the lives, liberties and properties of this people,” creating a civic duty to honor and respect the men who sacrificed so much for the nation.⁶¹

Burton placed the Seventh Cavalry within this history, arguing that the regiment deserved special recognition in the country’s advancement. Since its founding at Fort Riley in 1866, the cavalry had lost more men to death and injury than any other unit in the army. “It has fought the savage from the Rio Grande to the British possessions and has won renown in every department of the great west,” Burton related. The regiment’s fame began with “the bloody battle of the Washita,” where Custer led his troops against Cheyenne and Arapaho men, women, and children in 1868. The Seventh Cavalry’s heroics continued “with the signal victories at Wounded Knee and Drexel Mission” in 1890. The legislator praised the conduct of the “gallant Colonel Forsyth” and his men, who “performed acts of daring well nigh unparalleled in the history of warfare.” For Burton, the Seventh Cavalry deserved all the accolades bestowed upon it.⁶²

The names of the Seventh Cavalrymen killed at Wounded Knee and Drexel Mission were therefore worth preserving for the ages. By inscribing names on presumably permanent monuments, Americans after the Civil War remembered the common soldiers who died for the nation. Names represented something more than just individual men; they symbolized the virtues and characteristics of ideal American citizen-soldiers. Years later, after all those who knew the deceased personally had passed on, the names would instill in subsequent viewers of the monument gratitude and emotional ties

⁶¹ “Heroes of Wounded Knee,” *Abilene (KS) Weekly Reflector*, July 27, 1893; The Battle of Wounded Knee: Review of the Campaign Which a Monument Unveiling Recalls,” *Daily Inter Ocean (Chicago)*, July 24, 1893; Philip J. Deloria, *Indians in Unexpected Places* (Lawrence: University Press of Kansas, 2004), 62.

⁶² “Heroes of Wounded Knee,” *Abilene (KS) Weekly Reflector*, July 27, 1893.

to the nation.⁶³ The still-veiled monument behind Burton listed the names of thirty-four Seventh Cavalrymen and one member of the Hospital Corps “killed in the battle with Sioux Indians at Wounded Knee,” along with two cavalrymen who succumbed at Drexel Mission.⁶⁴ As the local *Junction City Union* noted, “The people who visit Fort Riley in the future will see in this memorial to the dead something grand and magnificent. They will see the names of those brave fellows who succumbed at Wounded Knee . . . engraved upon the polished granite that stands a tribute of honor and of brotherly love to the departed few.”⁶⁵ The *Omaha Daily Bee* commented that, just as the “clannish” Seventh Cavalrymen “were never known to go back on a comrade in distress, or to forget those who fell fighting by their side,” the obelisk would be “a standing reminder of the Seventh cavalry” well into the future at Fort Riley.⁶⁶ Burton echoed these remarks by arguing that the listed names would be “cherished as heroes who died for their country,” indicating his belief that future Americans—aided by the permanence of the monument—would continue to see Wounded Knee as a heroic victory over the nation’s treacherous foes.⁶⁷

At the conclusion of Burton’s address, four soldiers stepped forward and grabbed hold of the American flag that enveloped the obelisk that towered twenty-five feet in the air. Simultaneously, the artillery fired three salvos while “the band struck up the lively strains of ‘Garry Owen,’” which had

⁶³ Kirk Savage, “Faces of the Dead,” accessed October 1, 2011, <http://www.kirksavage.pitt.edu/?p=209>.

⁶⁴ *Seventh Cavalry*: Serg. Maj. Richard W. Corwine; *A Troop*: Serg. Arthur C. Dyer, Serg. Alvin H. Haselwood, Pvt. Henry Frey, Pvt. Herman Granberg, Pvt. George P. Johnson, Pvt. James Logan, and Pvt. Michael Regan; *B Troop*: Serg. Dora S. Coffey, Corp. Harry R. Forrest, Corp. Charles Newell, Pvt. Ralph L. Cook, Pvt. John Costello, Pvt. William S. Mezo, and Pvt. Harry Stone; *C Troop*: Pvt. Jan De Vreede; *D Troop*: Pvt. Frank T. Reinecky; *E Troop*: Serg. Robert H. Nettles and Pvt. August Kellner; *I Troop*: Serg. Henry Howard, Corp. Albert S. Bone, Blacksmith Gustav Korn, Pvt. Pierce Cummings, Pvt. James E. Kelley, Pvt. Daniel Twohig, and Pvt. Bernhard Zehnder; *K Troop*: Captain George D. Wallace, Serg. William F. Hodges, Pvt. William Adams, Pvt. George Elliott, Pvt. William J. McClintock, Pvt. John M. McCue, Pvt. Joseph Murphy and Pvt. Philip Schenkey; *Hospital Corps*: Hospital Steward Oscar Pollack. Pvt. Dominick Francishetti, G Troop, and 1st Lt. James D. Mann, K Troop, were the two Seventh Cavalrymen killed at Drexel Mission.

⁶⁵ “Fort Riley,” *Junction City (KS) Union*, July 1, 1893.

⁶⁶ “Military Matters,” *Omaha Daily Bee*, April 24, 1892.

⁶⁷ “Heroes of Wounded Knee,” *Abilene (KS) Weekly Reflector*, July 27, 1893; Radley, “Artefacts, Memory and a Sense of the Past,” 48.

been Custer's favorite song. The *Abilene Weekly Reflector* noted it was "a tune of peculiar significance, because of it having been played when the Seventh cavalry charged at the Washita and upon similar occasions." The men who unveiled the monument included Saddler Sergeant Otto Voit, who had been with the Seventh Cavalry since its founding and had won a Medal of Honor at the Little Bighorn; Sergeant Adam Neder, who had received a Medal of Honor for gallantry at Wounded Knee; Private Daniel McMahon, who had been injured at Wounded Knee; and Private Frank Lohmiller of the Hospital Corps, who had likewise been with the Seventh Cavalry on December 29, 1890.⁶⁸ Captain John C. Gresham, a Medal of Honor recipient who fought at Wounded Knee, wrote for *Harper's Weekly* that once the flags fell, "a might shout, deafening and prolonged, went up from the vast multitude," concluding the proceedings.⁶⁹

Gresham noted the somber absence of his comrades who died at Wounded Knee. "The remains of most of our dead still rest in the treeless, homely little Indian cemetery at Pine Ridge, where we laid them on a stormy day of biting winds and rapidly falling snow."⁷⁰ Although there had been discussion in the early 1890s of removing the bodies and re-interring them at Fort Riley, the army delayed doing so for fifteen years, apparently waiting for the bodies to decay sufficiently for easy transfer.⁷¹ On August 8-9, 1906, contractors disinterred the "heroes of Wounded Knee," including twenty-eight members of the Seventh Cavalry, and Oscar Pollack, of the Hospital Corps. In addition, one Seventh Cavalryman who had died at Drexel Mission was removed. The time had finally come to return the

⁶⁸ "The Battle of Wounded Knee: Review of the Campaign Which a Monument Unveiling Recalls," *Daily Inter Ocean (Chicago)*, July 24, 1893; "Fort Riley's Big Day," *Junction City (KS) Republican*, July 28, 1893.

⁶⁹ Capt. John C. Gresham, "The Wounded Knee Monument," *Harper's Weekly*, August 5, 1893, 752.

⁷⁰ Gresham, "The Wounded Knee Monument," *Harper's Weekly*, August 5, 1893, 752.

⁷¹ "Military Matters," *Omaha Daily Bee*, April 24, 1892.

bodies to their Kansas regimental home.⁷² The fort's newspaper noted that it was "fitting that this should be their last resting place," since "the history of the regiment has been identified with that of Fort Riley," in particular with the famous campaigns led by George Armstrong Custer.⁷³ The bodies would be arranged in the post cemetery in an honorific half-circle around the base of a hill.⁷⁴ Nearby stood the "7th Cavalry Monument," which commemorated "the death of these who died at their duty to the last." Fort Riley would be the resting place "of those who were once members of the famous 7th and who fell in the last Indian fight in which our troops will probably ever be engaged."⁷⁵ The transfer of the bodies completed Forsyth's work of transforming Fort Riley into a place of memory—supported by physical objects such as Medals of Honor, the buried soldiers' headstones, and the monument—where the Seventh Cavalry's conduct at Wounded Knee would be honored and revered.⁷⁶

In 1907, the War Department reinforced this designation when it authorized campaign badges for the Indian Wars. Like the Civil War Campaign Badge, the Indian Wars Campaign Badges broadly honored all soldiers who had participated in Indian warfare. The War Department identified by name twelve major campaigns since 1865. The face of the bronze badge displayed "INDIAN WARS" above

⁷² Elbert Mead, statement, in Richard E. Jensen, ed., *Voices of the American West*, vol. 2, *The Settler and Soldier Interviews of Eli S. Ricker, 1903-1919* (Lincoln: University of Nebraska Press, 2005), 55.

⁷³ "7th Cavalry Dead—Returned Here for Burial in Post Cemetery," *Fort Riley Guidon (KS)*, September 30, 1906, 2.

⁷⁴ The Pine Ridge cemetery burial order was, with few exceptions, reproduced in the Fort Riley post cemetery. By lot number: *Hospital Corps*: Hospital Steward Oscar Pollack (D:104); *Seventh Cavalry*: Serg. Maj. Richard W. Corwine (D:105); *A Troop*: Serg. Arthur C. Dyer (D:106), Pvt. Henry Frey (D:107), Pvt. George P. Johnson (D:108), Pvt. Michael Regan (D:109), and Pvt. James Logan (D:110); *K Troop*: Pvt. George Elliott (D:111); *B Troop*: Corp. Harry R. Forrest (D:112) and Corp. Charles H. Newell (D:113); *C Troop*: Jan De Vreede (D:114); *D Troop*: Frank T. Reinecky (D:115); *E Troop*: Serg. Robert H. Nettles (D:116) and Pvt. August Kellner (D:117); *I Troop*: Corp. Albert S. Bone (D:118), Blacksmith Gustav Korn (D:119), and Pvt. Daniel Twohig (D:120); *B Troop*: Pvt. Harry B. Stone (D:121); *I Troop*: Pvt. Pierce Cummings (D:122), and Pvt. Bernard Zehnder (D:123); *K Troop*: Serg. William T. Hodges (D:124), Pvt. John M. McCue (D:125), and Pvt. Joseph Murphy (D:126); *G Troop*: Pvt. Dominick Franceshetti (Drexel Mission; D:127). *A Troop*: Herman Grandberg (D:128); *K Troop*: William Adams (D:129); *B Troop*: John Costello (D:130), Ralph L. Cook (D:131), and William S. Mezo (D:132).

⁷⁵ "7th Cavalry Dead," *Fort Riley Guidon (KS)*, September 30, 1906, 2.

⁷⁶ Radley, "Artefacts, Memory and a Sense of the Past," 51.

a mounted Indian, wearing a war bonnet and carrying a spear. The bottom edge was trimmed with arrowheads and a buffalo skull. The reverse side stated “UNITED STATES ARMY” and “FOR SERVICE,” showed an eagle with outstretched wings—the symbol of United States sovereignty—with its talons piercing a pile of spears, arrows, a cannon, and a rifle.⁷⁷ Regiments were also authorized to display banners with their flags to commemorate those campaigns. The Pine Ridge Campaign of 1890-91, with Wounded Knee as its most significant engagement, rounded out the twelve, reinforcing the narrative that the Indian Wars had effectively ended at Wounded Knee Creek, South Dakota, on December 29, 1890.⁷⁸ The creation of the badge validated the sustained efforts of Forsyth and his allies at Fort Riley to commemorate Wounded Knee as the United States’ last heroic victory over Indians.

“A Very Great Blame Against the Government on My Heart”

Five hundred and fifty miles northwest of Fort Riley, the Lakotas developed Wounded Knee as a site of memory on the Pine Ridge Reservation in South Dakota. Whereas Forsyth and his allies utilized commemoration to form a consensus that Wounded Knee was a heroic battle, the Lakotas undermined those efforts by publicly remembering a horrific massacre of unarmed men, women, and children. The obelisk erected at the mass grave—which surviving members of Big Foot’s band funded and designed in 1903—emerged from a broader protest against the United States’ refusal to acknowledge Wounded Knee as a massacre. Since the survivors were injured, impoverished, and scattered, tribal leaders who had been friendly with the government articulated the earliest formal complaints about the killings to Office of Indian Affairs. To appease these tribal leaders, government officials offered compensation, not to the survivors of Wounded Knee, but as a reward to those Lakotas who had remained peaceful during the Pine Ridge Campaign of 1890-91.

⁷⁷ See image of badge, accessed July 21, 2012, <http://www.omsa.org/photopost/showphoto.php?photo=2783&size=big>.

⁷⁸ David T. Zabeki, “Decorations, Medals, and Military Honors,” in *The Encyclopedia of North American Indian Wars, 1607-1890: A Political, Social, and Military History*, ed. Spencer C. Tucker (Santa Barbara: ABC-Clio, 2011), 2:881.

After the remaining Ghost Dancers surrendered and Major General Nelson A. Miles officially concluded the Pine Ridge Campaign in mid-January 1891, the general arranged for thirteen Lakota leaders and three interpreters from the various Lakota reservations to meet with high-ranking government officials in the nation's capital. Miles intentionally selected delegates who were "classed as friendly and the hostile element," including "the believers in the ghost delusion, and those that have opposed it."⁷⁹ On February 11, Commissioner of Indian Affairs Thomas J. Morgan met with Chief American Horse, Turning Hawk, and other delegates. Reverend Charles S. Cook of the Pine Ridge Episcopal Church acted as translator. American Horse had not witnessed the killings, although he had interviewed the survivors, had visited Wounded Knee in early January, and had seen "where the bodies were from the track of the blood." What he saw affected him deeply, since the Seventh Cavalry's actions undermined the chief's long-standing advocacy of accommodation to the United States.⁸⁰

American Horse "harangued his comrades" for their timidity, "and advised them to [speak plainly], no matter how harsh the truth may be."⁸¹ The delegates denied that Big Foot's band had treacherously plotted to attack the soldiers. Turning Hawk argued that the fighting began, not with a signal from the medicine man and a volley from the warriors, as the army contended, but instead when "a crazy man, a young man of very bad influence, and in fact a nobody among that bunch of Indians, fired his gun." This reinforced the idea that the young warrior was simply trying to prove his bravery and manhood by shooting his weapon. By describing the young man as having no influence in the

⁷⁹ Nelson A. Miles to Adjutant General, January 27, 1891, M983-2, 2:1019; Heather Cox Richardson, *Wounded Knee: Party Politics and the Road to An American Massacre* (New York: Basic Books, 2012), 297-98; "Full Delegation of Sioux Indians, 1891," accessed July 25, 2012, <http://popartmachine.com/art/LOC+1033557/FULL+DELEGATION+OF+SIOUX+INDIANS,+1891+++PHOTOGRAPHE+AND+COPYRIGHTED...%0A>.

⁸⁰ "The Wounded Knee Fight," (*NY*) *Sun*, February 12, 1891.

⁸¹ "Serious Charges Made," *Washington Critic*, February 11, 1891; Steve Potts, "American Horse," *The Encyclopedia of North American Indian Wars, 1607-1890*, 1:13-14.

band, Turning Hawk was emphasizing that Big Foot and other leaders did not approve the warrior's actions. In spite of that, "the firing of a gun must have been the breaking of a military rule of some sort, for immediately the soldiers returned the fire, and the indiscriminate killing followed." It seemed that the army was using the young warrior's mistake to disavow responsibility for the subsequent killings. Turning Hawk explained that most of the men died from this volley, although a few escaped into the nearby ravine, where they were pursued and shot down.⁸²

The commissioner then asked about the army's explanations for noncombatant deaths, a topic on which the delegates had a great deal to say. On whether the women had fired on the soldiers, Turning Hawk replied that the women had no weapons to fight with. When questioned if Lakota clothing made men indistinguishable from women, the delegate stated wryly that "a man would be very blind if he could not tell the difference between a man and a woman." On whether the fleeing warriors had mixed with women and children, thereby requiring the soldiers to unavoidably fire at noncombatants, the delegates responded that the men had run in a different direction than their families. Wherever they fled, Lakotas regardless of gender or age shared the same fate: death at the hands of pursuing soldiers.⁸³ In addition, the Hotchkiss guns shelled fleeing women. American Horse described "a woman with her infant in her arms, who was killed as she almost touched the flag of truce, and the women and children, of course, were strewn all along the circular village until they were dispatched." Another "child, not knowing that her mother was dead, was still nursing, and that was especially a very sad sight." Soldiers shot women fleeing with children strapped to their backs, as well as "women who were very heavy with child." When the shooting stopped, a soldier shouted that hiding Lakotas were safe to emerge. "Little boys who were not wounded came out of their places of refuge,

⁸² "The Wounded Knee Fight," (*NY Sun*, February 12, 1891.

⁸³ "The Wounded Knee Fight," (*NY Sun*, February 12, 1891.

and as soon as they came in sight a number of soldiers surrounded them and butchered them there.”⁸⁴

The interpreter Reverend Cook then related a story told by John Shangrau, a part-Lakota scout present at Wounded Knee. When the fighting was over, a Seventh Cavalry officer gloated that Custer was avenged, to which Shangrau responded that at least the Seventh had guns at the Little Bighorn to defend themselves.⁸⁵

Commissioner Morgan replied that “these are very serious charges to make against the United States army” and asked if there were any dissenting views. “Of course we all feel very sad about this affair,” American Horse replied, confirming their unanimity. The chief’s reaction was magnified by his long history of accommodation to the United States. “I stood very loyal to the Government all through those troublesome days, and believing so much in the Government and being so loyal to it, my disappointment was very strong.” Had the soldiers only killed Big Foot’s men, the Lakotas would have felt comparatively little anger toward the United States. Their angst resulted from “the killing of the women, and more especially the killing of the young boys and girls who are to go to make up the future strength of the Indian people.” American Horse had come to the nation’s capital with “a very great blame against the Government on [his] heart.”⁸⁶ Turning Hawk confirmed that all the Lakotas were distressed by Wounded Knee, especially those who had diligently negotiated with the Ghost Dancers entrenched in the Badlands to end the standoff. “Friendly” Indians—including American Horse and Turning Hawk—had suffered materially as the “hostiles” had stolen a great deal of the peacemakers’ property.

Commissioner Morgan then concluded the conference, promising to do what he could to

⁸⁴ “The Wounded Knee Fight,” (*NY Sun*, February 12, 1891).

⁸⁵ “The Wounded Knee Fight,” (*NY Sun*, February 12, 1891). Shangrau later recounted the story to Eli S. Ricker (John Shangrau, interview, November 5, 1906, in Richard E. Jensen, ed., *Voices of the American West*, vol. 1, *The Indian Interviews of Eli S. Ricker, 1903-1919*, [Lincoln: University of Nebraska Press, 2005], 262).

⁸⁶ “The Wounded Knee Fight,” (*NY Sun*, February 12, 1891).

address their grievances.⁸⁷ The next day, however, Secretary of War Redfield Proctor publicly exonerated Forsyth and praised the Seventh Cavalry, which precluded Commissioner Morgan from taking any further action.⁸⁸ Although the delegates left Washington without any explicit assurances of justice for Wounded Knee, their statements were widely reproduced in newspapers, Commissioner Morgan's annual report, and nineteenth- and twentieth-century activist and scholarly texts.⁸⁹

Concerned by reports that Wounded Knee had alienated even Lakotas who had for several years been loyal to the government, on April 3 Congress appropriated \$100,000 out of the Treasury to compensate "friendly" Lakotas—such as American Horse and Turning Hawk—who had lost property at the hands of "roving bands of disaffected Indians" during the "recent Sioux trouble." The statute left the task of sorting out who fell within the "friendly" category (and, by implication, those who did not) to the Secretary of the Interior, who would compensate eligible applicants upon receiving "satisfactory proof made to him in each case of the loss sustained."⁹⁰ The 1891 legislation enacted the compensation provisions embedded in many treaties and in the indemnity system Congress created by statute in 1796 to regulate interactions between whites and Indians. By offering compensation, these provisions were designed to prevent parties wronged by isolated instances of theft and property destruction—popularly

⁸⁷ *Sixtieth Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior, 1891* (Washington, DC: Government Printing Office, 1891), 181.

⁸⁸ Secretary of War Redfield Proctor to Maj. Gen. Nelson A. Miles, February 12, 1891, 1-3, M983-2, 2:1130-32.

⁸⁹ "Indians Tell Their Story: Pathetic Recital of the Killing of Women and Children," *New York Times*, February 12, 1891, 6; "Was It to Avenge Custer?" *Omaha World-Herald*, February 12, 1891; "Custer's Avengers," *Los Angeles Herald*, February 12, 1891; T.A. Bland, ed., *A Brief History of the Late Military Invasion of the Home of the Sioux* (Washington, DC: National Indian Defence Association, 1891), 15-17; *Sixtieth Annual Report of the Commissioner of Indian Affairs*, 179-81; James Mooney, *The Ghost-Dance Religion and the Sioux Uprising of 1890*, in *Fourteenth Annual Report of the Bureau of Ethnology to the Smithsonian Institution, 1892-93* (Washington, DC: GPO, 1896), 884-86; Roy L. Brooks, ed., *When Sorry Isn't Enough: The Controversy over Apologies and Reparations for Human Injustice* (New York: New York University Press, 1999), 252-53.

⁹⁰ Ch. 543, "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and ninety-two, and for other purposes," March 3, 1891, *The Statutes at Large of the United States of America from December, 1889, to March 1891, and Recent Treaties, Conventions, and Executive Proclamations* (Washington, DC: Government Printing Office, 1891), 26:1002.

known as depredations—from resorting to retaliation and ultimately full-scale war.⁹¹ Specifically, the act fulfilled Article 1 of the 1868 Treaty of Fort Laramie, which established peace between the Lakota Nation and the United States. The article specified that if a white person wronged a Lakota's person or property, or, conversely, if a Lakota wronged the person or property of “any one, white, black, or Indian, subject to the authority of the United States,” the federal government would compensate the wronged party out of Treasury funds.⁹²

The Interior Department charged Special Agent James A. Cooper with evaluating the Lakotas' claims for stolen or destroyed property. Beginning in April 1891, over seven hundred and fifty Lakotas filled out claims, recording their name, residence, date of loss, and a list of missing or destroyed property with its value. They attached brief narratives describing how “disaffected” Lakotas had destroyed their property while the claimants were away from home, in obedience to the government's 1890 order that all “friendlies” report to the agency. In addition, claims included the signatures (or “X marks”) of supporting witnesses and the interpreter.⁹³ A few weeks after starting the claims process, Cooper reported to his superiors “that as long as the investigation [of] claims continues that there will be no trouble as all the Indians of this tribe seem more interested in filing claims for losses than they are in stirring up strife.”⁹⁴ Implementing the act seemed to have the desired effect, as the Lakotas who had not participated in the Ghost Dance seemed more intent on recouping their losses than joining an

⁹¹ See Larry C. Skogen, *Indian Depredation Claims, 1796-1920*, Legal History of North America (Norman: University of Oklahoma Press, 1996).

⁹² Treaty with the Sioux—Brulé, Oglala, Miniconjou, Yanktonai, Hunkpapa, Blackfeet, Cuthead, Two Kettle, Sans Arcs, and Santee—and Arapaho, April 29, 1868, in *Indian Affairs: Laws and Treaties*, comp. and ed. by Charles J. Kappler (Washington, DC: Government Printing Office, 1904), 2:998. Initially, Article 1 required the Lakotas themselves to compensate parties wronged by “bad Indians” out of treaty annuities, but after 1870 the Treasury Department assumed all compensation payments in the indemnity system (Skogen, *Indian Depredation Claims*, 188).

⁹³ R. Eli Paul, “The Investigation of Special Agent Cooper and Property Damage Claims in the Winter of 1890-1891,” *South Dakota History* 24, no. 3 (Winter 1994): 216-17.

⁹⁴ Paul, “The Investigation of Special Agent Cooper,” 216.

incipient protest. Successful applicants for compensation had to affirm “that at no time during the late trouble among the Indians, has he [or she] been hostile, either by word or action, to the government of the United States.”⁹⁵ Only those who could certify under oath that they had not participated in the Ghost Dance could file valid claims. The legislation therefore excluded those who had undoubtedly suffered the most during the “Sioux troubles” of 1890-91—the survivors of Big Foot’s band—since they were known Ghost Dancers.

James Mooney and Early Memorialization of Wounded Knee

In spite of the distractions of Special Agent Cooper’s investigation in mid-1891, the Lakotas nonetheless turned quickly to public remembrance both to mourn their dead and to disrupt the dominant society’s memory of Wounded Knee. Because the killings occurred on the Pine Ridge Reservation, the Lakotas had some power to define how the event would be represented at the site. However, the Lakotas could not conduct their protest under conditions fully of their own choosing, since the government’s control over reservation space significantly challenged the Indians’ commemorative efforts.⁹⁶ By the late nineteenth century, the Lakotas had been confined to reservations for almost two decades. As colonized places, reservations enabled the government not only to control the Lakotas’ movements, but also to initiate the process of turning former enemies into loyal subjects. Both Office of Indian Affairs bureaucrats and church missionaries invested a great deal of time and paper to quantify and record the names of individual Indians, where they lived, how much they ate, their marital status, how much education they had received, and whether they had accepted Christian baptism and other ordinances. Fences marked the boundaries of this space and travel outside of those limits required special passes. With these bureaucratic and physical restraints in place, the government

⁹⁵ Paul, “The Investigation of Special Agent Cooper,” 221.

⁹⁶ Walter Johnson, “On Agency,” *Journal of Social History* 37, no. 1 (August 2003): 113-24.

believed it could remake its Native charges into docile denizens of the American state.⁹⁷ In April 1891, Pine Ridge officials complained of Lakotas from Standing Rock, Cheyenne River, and other reservations visiting Wounded Knee to perform mourning rituals. “They cry and howl and work themselves and [the Pine Ridge Oglalas] into a sad state of mind,” presenting a potential source of trouble. Although Acting Commissioner of Indian Affairs R. V. Belt conceded that “visiting graves of their dead is perhaps some consolation,” he urged the agents of surrounding reservations to “counsel Indians under [their] charge to cease such visits and remain on their reservation.”⁹⁸

Such restrictions did not, however, stop the Lakotas living on Pine Ridge from visiting Wounded Knee and remembering their dead. In this sense, the fact that Wounded Knee happened on a reservation actually provided advantages to the Lakotas not afforded the survivors of previous massacres in the West. After US troops slaughtered Shoshones at Bear River in Idaho Territory in 1863, Cheyennes and Arapahos at Sand Creek in Colorado Territory in 1864, and Piegans at the Marias River in Montana Territory in 1870, the remnants of these tribes had only limited access to the killing fields and burial grounds during subsequent years and decades. It was not until the twenty-first century that the Shoshones would gain legal control of the Bear River site and the Cheyennes and Arapahos would acquire the Sand Creek land.⁹⁹ The site of the Marias Massacre remains in private hands, which has constrained the descendants from holding regular commemorations.¹⁰⁰ In marked contrast, because

⁹⁷ Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880-1920* (Lincoln: University of Nebraska Press, 1984); Richard White, “*It’s Your Misfortune and None of My Own*”: *A New History of the American West* (1991; repr., Norman: University of Oklahoma Press, 1993), 439-41; Deloria, *Indians in Unexpected Places*, 26-27.

⁹⁸ Acting Commissioner of Indian Affairs R.V. Belt to Secretary of the Interior John Willock Noble, April 9, 1891, M983-2, 2:1430.

⁹⁹ Leo Killsback, “Sand Creek Massacre National Historic Site Dedicated,” *Indian Country Today*, May 14, 2007, accessed May 11, 2013, <http://indiancountrytodaymedianetwork.com/ictarchives/2007/05/14/sand-creek-massacre-national-historic-site-dedicated-90781>; “Tribe Remembers Nation’s Largest Massacre,” *Indian Country Today*, March 10, 2008, accessed May 11, 2013, <http://indiancountrytodaymedianetwork.com/ictarchives/2008/03/10/tribe-remembers-nations-largest-massacre-79058>.

¹⁰⁰ Mark Ratledge, “Observing the 1870 Baker Massacre,” *The Buffalo Post: A News Blog About Native People*

Wounded Knee took place on Pine Ridge, the Lakotas were enabled to develop and sustain memorial traditions at the site in spite of the government's attempts to restrict them.

Nearly a year after Wounded Knee, James Mooney—a scholar employed by the Bureau of American Ethnology—visited Pine Ridge to observe the Lakotas' early attempts to memorialize the deaths that occurred there on December 29, 1890. By late 1891, the self-taught ethnologist had already developed a reputation as a sympathetic interpreter of the indigenous cultures of North America. The son of Irish Catholic immigrants, Mooney likely saw similarities between Indians' efforts to maintain their culture against a hostile Protestant majority and his own socio-religious community's struggles in the United States.¹⁰¹ Prior to Wounded Knee, Mooney had commenced a detailed ethnographic study of the Ghost Dance's Great Basin origins and subsequent spread throughout the Rocky Mountain and Plains tribes, which he later published as *The Ghost Dance Religion and the Sioux Outbreak of 1890*. In that influential work, the ethnographer accepted the prevailing scientific paradigm of the social evolution of races from savagery to barbarism to civilization.¹⁰² However, Mooney departed from his Protestant contemporaries by interpreting the Ghost Dance as simply one manifestation of a universal human yearning for contact with the divine. He saw clear parallels between the Ghost Dance prophet, Wovoka, and prior indigenous prophets such as the Pueblo Popé, the Delaware Neolin, and the Shawnee Tenskwatawa.¹⁰³ Perhaps more surprisingly, Mooney also suggested that the biblical prophets, Mohammed, Catholic mystics, and Protestant revivalists were also key predecessors of the Paiute holy

and the World We Live In, February 23, 2010, accessed May 11, 2013, <http://www.buffalopost.net/?p=7108>.

¹⁰¹ George Ellison, "Introduction: James Mooney and the Eastern Cherokee," in James Mooney, *History, Myths, and Sacred Formulas of the Cherokees* (Fairview, NC: Bright Mountain Books, 1992), 3-4.

¹⁰² Mooney, *The Ghost-Dance Religion*, 928. On social evolutionary thought, see Dippie, *The Vanishing Indian*, 95-106.

¹⁰³ Mooney, *The Ghost-Dance*, 657-763.

man.¹⁰⁴ Mooney therefore dissented from the prevailing view that the Ghost Dance was nothing more than savage fanaticism—that is, an inauthentic religion that deserved no protection under the First Amendment—and instead reserved some of his harshest denunciations of “fanatical” religion for Baptist and Methodist revivalists of the Second Great Awakening.¹⁰⁵ In the process of developing his interpretation, Mooney visited South Dakota to observe the post-Wounded Knee situation.

While at Pine Ridge, the ethnographer visited the killing field at Wounded Knee, where he noted that the Lakotas had marked with stakes where the bodies of each member of Big Foot’s band fell.¹⁰⁶ These temporary markers aided in the grieving process, as survivors and others transformed the otherwise ordinary stakes into potent mnemonic helps for recalling friends and relatives who met their demise too early in life.¹⁰⁷ Lieutenant Augustus W. Corliss also described “seeing the entire field covered with short sticks flying flags. The Indians had gone there and located the places where their relatives had been killed and marked them with flags.”¹⁰⁸ These memorial sticks were perhaps patterned after the stakes that marked the locations where Seventh Cavalrymen had fallen at the Little Bighorn, which some Lakotas had visited prior to 1891.¹⁰⁹ However, it is more likely that these were prayer sticks, which grieving Lakotas would place near the burial place of the deceased, with special markings that aided the dead on their journey to the spirit world.¹¹⁰ Although fragile and impermanent,

¹⁰⁴ Mooney, *The Ghost-Dance*, 928-52.

¹⁰⁵ Mooney, *The Ghost-Dance*, 942.

¹⁰⁶ Mooney, *The Ghost-Dance*, plate XCIX, between 872 and 873.

¹⁰⁷ Radley, “Artefacts, Memory and a Sense of the Past,” 48.

¹⁰⁸ *Denver Post*, November 15, 1903, quoted in Jensen, ed., *The Settler and Soldier Interviews*, 389n78. See also E. C. Swigert, statement, March 31, 1905, in Jensen, ed., *The Settler and Soldier Interviews*, 44, and Mooney, *The Ghost-Dance*, 869.

¹⁰⁹ Greene, *Stricken Field*, 33; Frederick E. Hoxie, *Parading Through History: The Making of the Crow Nation in America, 1805-1935* (Cambridge: Cambridge University Press, 1995), 148.

¹¹⁰ Marla N. Powers, *Oglala Women: Myth, Ritual, Reality* (1986; repr., Chicago: University of Chicago Press,

prayer sticks would have sacralized the site by enveloping the ground with powerful mnemonic objects. Mooney was sufficiently impressed with the visual impact of these memorial sticks that he included an image of them in his book.¹¹¹

In addition, Mooney noted ways that the Lakotas had inscribed meaning at the mass grave on the hill overlooking the massacre site. On January 3, 1891, civilian contractors had interred one hundred and forty-six bodies in a sixty-foot long and six-foot wide trench on what was later named “Cemetery Hill.”¹¹² In the Civil War, Americans preferred hills for soldiers’ graves since farmers’ plows were unlikely to disturb the remains.¹¹³ While mass graves were normally reserved for enemy dead, soldiers had interred the bones of the Seventh Cavalrymen killed at the Little Bighorn in a mass grave at the crest of a nearby hill.¹¹⁴ Mooney observed that “the Indians had put up a wire fence around the trench and smeared the posts with sacred red medicine paint” used in the Ghost Dance. Contrary to popular perception, belief in Wovoka’s teachings persisted on Pine Ridge and elsewhere even after Wounded Knee.¹¹⁵ The religion empowered the Lakotas to effectively mourn the deaths that occurred on December 29, 1890, as well as provided hope that continued performance of the dance’s rituals—albeit secretly performed—would hasten the Messiah’s coming and defeat death itself when deceased Indians and buffaloes returned from the realm of the spirits. Applying the sacred red paint to the fence that surrounded the mass grave framed subsequent remembrances of Wounded Knee within the Ghost

1988), 94.

¹¹¹ Mooney, *The Ghost-Dance*, plate XCIX, between 872 and 873.

¹¹² Capt. F. A. Whitney to AAAG, January 3, 1891, M983-1, 2:824; Maj. Gen. Nelson A. Miles to AG, January 5, 1891, M983-1, 2:814; W. H. Cressey, “Omens of Bloodshed,” *Omaha Daily Bee*, January 6, 1891; Capt. Frank D. Baldwin to AAG, February 5, 1891, in M983-1, 2:1075-76.

¹¹³ Neff, *Honoring the Civil War Dead*, 25.

¹¹⁴ Neff, *Honoring the Civil War Dead*, 54; Greene, *Stricken Field*, 28-29.

¹¹⁵ Richmond L. Clow, “The Lakota Ghost Dance After 1890,” *South Dakota History* 20, no. 4 (Winter 1990): 323-33.

Dance worldview and ensured the resurrection of the victims upon the Messiah's arrival.¹¹⁶ Mooney also included an image of the painted fence posts in his book, providing future readers a glimpse into the Lakotas' early use of memorial objects and symbols to commemorate Wounded Knee.¹¹⁷

During his time on the reservation, Mooney interviewed interpreter Philip Wells and the missionaries who had tended the wounded Lakotas in the Episcopal chapel-turned-hospital at the Pine Ridge Agency.¹¹⁸ These informants told Mooney that during the disarmament, the medicine man Yellow Bird had urged the Lakotas to resist and promised them that the soldiers' bullets would not penetrate the warriors' Ghost Shirts. The medicine man then "threw a handful of dust into the air . . . as if this were a signal" for a young Lakota, Black Fox, to remove his rifle from under his Ghost Shirt and fire at the soldiers.¹¹⁹ Mooney concluded from this evidence "that the Indians were responsible for the engagement [and] that the answering volley and attack by the troops was right and justifiable." The ethnographer also exonerated Forsyth—a conclusion that doubtless reflected Wells' influence—since the colonel had ostensibly ordered his men not to fire on women and children.¹²⁰

Mooney, however, qualified his conclusions after interviewing American Horse and examining the chief's statement given to Indian Affairs Commissioner Morgan earlier that year. Although he blamed the Lakota warriors for the initial volley, the ethnographer contended in *The Ghost-Dance Religion* that "the wholesale slaughter of women and children was unnecessary and inexcusable."¹²¹ Upon seeing their comrades fall, the "infuriated" and inexperienced soldiers opened fire on the

¹¹⁶ Mooney, *The Ghost-Dance*, 779, 878-79; plate CI, between 876 and 877; L.G. Moses, *The Indian Man: A Biography of James Mooney* (1984; repr., Lincoln: Bison Books, 2002), 63-65.

¹¹⁷ Mooney, *The Ghost-Dance*, plate CI, between 876 and 877.

¹¹⁸ Mooney, *The Ghost-Dance*, 655, 869.

¹¹⁹ Mooney, *The Ghost-Dance*, 868-69.

¹²⁰ Mooney, *The Ghost-Dance*, 870.

¹²¹ Mooney, *The Ghost-Dance*, 870.

warriors, while the Hotchkiss guns “sent a storm of shells and bullets among the women and children.”¹²² Mooney concluded that “there can be no question that the pursuit was simply a massacre, where fleeing women, with infants in their arms, were shot down after resistance had ceased and when almost every warrior was stretched dead or dying on the ground.”¹²³ Mooney’s research on Pine Ridge revealed that the Lakotas’ efforts to portray Wounded Knee publicly as a massacre were bearing fruit.

We Lost Our Properties and Whole Families in that Massacre

Among Mooney’s informants was a woman named Blue Whirlwind, a survivor of Wounded Knee who described to Mooney her own fourteen wounds and her two little boys’ severe injuries.¹²⁴ Like the other remaining members of Big Foot’s band, Blue Whirlwind had begun reconfiguring the pieces of her shattered life when the ethnographer visited in late 1891. Extremely impoverished after Wounded Knee, the survivors perceptively observed the government’s decision to grant compensation to “friendly” Lakotas and to exclude those who managed to live through the onslaught of December 29, 1890. In the mid-1890s, a literate Lakota named Joseph Horn Cloud and other survivors began articulating their grievances in compensation claims. Patterned after the claims submitted to Special Agent Cooper, these documents were constrained by the legal framework of the 1891 act, which limited compensation to stolen or damaged property. The claimants could not, therefore, demand retribution for the deaths of their relatives. In these early written accounts of Wounded Knee, Horn Cloud and the other survivors demonstrated a keen awareness of the language and memory politics that framed public discussions of the engagement in the early 1890s. By explicitly interpreting Wounded Knee as a massacre perpetrated by white soldiers against unarmed Lakota men, women, and children, the claimants reinvented and reapplied a single English word—massacre—that whites commonly used

¹²² Mooney, *The Ghost-Dance*, 869, 870.

¹²³ Mooney, *The Ghost-Dance*, 868-69.

¹²⁴ Mooney, *The Ghost-Dance*, 869 and figure 79.

to differentiate their “civilized” mode of warfare from indiscriminate killings of noncombatants that ostensibly defined how “savages” waged war.

In the immediate aftermath of Wounded Knee the survivors of Big Foot’s band were struggling simply to rebuild their lives in South Dakota. The Pine Ridge Reservation’s Holy Rosary Catholic Mission School permitted several orphans to live in its boarding school.¹²⁵ Other survivors, with the help of Minneconjou leaders Iron Lightning and Hump, returned to the Cheyenne River reservation.¹²⁶ Some white families adopted infants found on the killing field; the most famous adoptee was a young girl named Lost Bird (*Zintkala Nuni*).¹²⁷ In June 1891, Cheyenne River Agent Perrine P. Palmer conducted a “Census of the Sioux Indians Belonging to the Cheyenne River reservation who were in the battle of Wounded Knee and are yet at Pine Ridge Agency, S.D.” Palmer listed the names, ages, and genders of about one hundred and forty survivors and eighty-six deceased Lakotas. Since the army had counted at least one hundred and fifty bodies buried in the mass grave or on the killing field, the agent substantially undercounted the number of the dead.¹²⁸ A month after Palmer recorded his census, the Oglalas voted to adopt the “orphans” of Big Foot’s band who remained on Pine Ridge into their tribal structure.¹²⁹

Number eighty-two on Palmer’s census was a young Minneconjou male, identified simply as

¹²⁵ Charles Blindman, Sr. to Francis Case, March 29, 1937, Wounded Knee Massacre-Indian File, Binder 2, Francis H. Case Collection, University Archives, McGovern Library, Dakota Wesleyan University, Mitchell, South Dakota.

¹²⁶ Annie Eagle Body, statement, January 15, 1937; Alice Dog Arm (Kills Plenty), statement, April 16, 1937; Nellie Knife, statement, n.d., Wounded Knee Massacre-Indian File, Binder 2, Case Collection, University Archives, McGovern Library, DWU.

¹²⁷ W.H. Cressey, “Omens of Bloodshed,” *Omaha Daily Bee*, January 6, 1891; “Story of Lost Bird,” *Omaha Daily Bee*, September 2, 1891; Mooney, *The Ghost-Dance*, 879-81; Renee Sansom Flood, *Lost Bird of Wounded Knee: Spirit of the Lakota* (New York: Scribner, 1995).

¹²⁸ “Census of the Sioux Indians;” Capt. F. A. Whitney to AAAG, January 3, 1891, M983-1, 2:824; Maj. Gen. Nelson A. Miles to AG, January 5, 1891, M983-1, 2:814; W. H. Cressey, “Omens of Bloodshed,” *Omaha Daily Bee*, January 6, 1891; Capt. Frank D. Baldwin to AAG, February 5, 1891, in M983-1, 2:1075-76.

¹²⁹ *Letter from the Secretary of the Interior, In Relation to the Affairs of the Indians at the Pine Ridge and Rosebud reservations in South Dakota*, 52nd Cong., 1st sess., Ex. Doc. 58, 46, 49, 70.

“Joseph.”¹³⁰ In his late teens in 1890, Joseph had lost his parents—Mr. and Mrs. Horn Cloud, who were listed on the census as dead—two brothers, and a niece at Wounded Knee. He was among those orphans who lived at and attended the Holy Rosary Mission School on Pine Ridge in the early 1890s. While at the mission school, Joseph assumed his father’s name, Horn Cloud (what Lakotas called tornadoes), as his surname. He also converted to Catholicism, learned carpentry, and periodically worked in several western states as a day laborer and cowboy. Horn Cloud had acquired sporadic education as a child and at the mission school, qualifying him to work as a translator and as the Oglala Tribal Council secretary.¹³¹ Horn Cloud used his familiarity with the “enemy’s language” to spearhead the survivors’ campaign to receive compensation for their slain kin. He represented a new generation of Natives who had received some education in the early reservation period and embraced the new technology of literacy to improve their peoples’ situation under American rule.¹³²

During Special Agent Cooper’s 1891 investigation, Horn Cloud had observed “friendly” Lakotas filing claims and receiving compensation for comparatively small losses. Feeling consternation over the government’s exclusion of the remaining members of Big Foot’s band from compensation, Horn Cloud desired justice for himself and others. In a 1903 letter to Nebraska newspaper editor and erstwhile judge, Eli S. Ricker, Horn Cloud described his frustration that “friendly” Lakotas in 1891 claimed compensation for items as insignificant as rusty spoons. As for Big Foot’s band, “we lost our Properties and whole families” in the “massacree [*sic*]” at Wounded Knee. Only a few people—“most of younger ones”—had escaped, yet “nobody help[ed] us and look[ed] into this matter for us.” The

¹³⁰ “Census of the Sioux Indians.”

¹³¹ Joseph Horn Cloud, statement, October 23, 1906, in Jensen, ed., *The Indian Interviews*, 191; Joseph Kocer, statement, December 11, 1904, in Jensen, ed., *The Settler and Soldier Interviews*, 41; “Joseph Horn Cloud,” *The Indian Sentinel* 2, no. 7 (July 1921): 332-34.

¹³² Scott Richard Lyons, *X-Marks: Native Signatures of Assent* (Minneapolis: University of Minnesota Press, 2010).

“children’s of Big Foot,” Horn Cloud argued, had “lost [the] most properties but Government do not look at us he must be sham [ashamed?] because he feed old ones and kill them. That ain’t right.”¹³³ For Lakota people, feeding the elderly who lacked family support was a great honor.¹³⁴ From Horn Cloud’s perspective, the government’s refusal to compensate the survivors was rooted in shame over the Seventh Cavalry’s deception and murder of helpless people.

Five years after Special Agent Cooper’s investigation, Horn Cloud drafted a claim for his father’s lost property.¹³⁵ Depending on his own abilities with the English language rather than an interpreter, Horn Cloud’s written petition undermined accusations that, as an oral people without writing, the Lakotas only preserved their ostensibly unreliable memories in their minds. Following the format of the 1891 claims, he wrote the date, April 15, 1896, and his place of residence, the Holy Rosary Catholic Mission on Pine Ridge. Horn provided a short narrative explaining the circumstances surrounding his family’s “losses during the trouble of 1890 and 91. My father’s name was Horn Cloud we lived in Cheyenne River at the time and come to Pine Ridge S.D. during the trouble and when we return home the following property belonging to my father who was kill[ed] at Wounded Knee was missing.” He listed its worth at \$2,045.50. The claim was for restitution for lost property, not lives, but Horn Cloud concluded the document by stating that “Mr. Horn Cloud and his wife and 2 boys was kill[ed] in Wounded Knee Massacre in Dec 29, 1890.” Daniel White Lance, Horn Cloud’s older brother, also signed the claim.¹³⁶ Another brother, Dewey Beard, drafted a claim that likewise listed

¹³³ Joe Horn Cloud to Eli S. Ricker, December 23, 1903, Eli S. Ricker Collection, Nebraska State Historical Society, Lincoln, Nebraska.

¹³⁴ Royal B. Hassrick, *The Sioux: Life and Customs of a Warrior Society* (Norman: University of Oklahoma Press, 1964), 102.

¹³⁵ Joe and Daniel Horn Cloud, claim, April 15, 1896, photocopy, and Dewey Horn Cloud Beard, claim, April 15, 1896, photocopy, both in Box 3563B, H76.1, South Dakota State Historical Society, Pierre, South Dakota. Horn Cloud to Ricker, December 23, 1903, Ricker Collection, NSHS.

¹³⁶ Joe and Daniel Horn Cloud, claim, April 15, 1896, photocopy in Box 3563B, H76.1, SDSHS.

property stolen while he was away from his Cheyenne River home, which he valued at \$2,481. Beard concluded the claim by stating that he had “lost his family in massacre, Dec. 29, 1890.” He referred not only to his parents and brothers, but also his wife and infant son.¹³⁷

The brothers’ use of the English word “massacre” in these claims to describe Wounded Knee was not incidental, but rather was central to their linguistic engagement in memory politics. When Eli S. Ricker interviewed Horn Cloud in 1906, the newspaper editor noted that the Lakotas “always called” Wounded Knee a “massacre.”¹³⁸ By insisting on this word, the Lakotas participated in the ongoing debates over distinctions between battles and massacres within the discourse of “race war” between “civilization” and “savagery.” These distinctions undergirded and rationalized the United States’ Manifest Destiny to displace and replace the Natives of North America. Honor and forbearance defined “civilized” battles; cruelty and bloodlust characterized “savage” massacres. Battles were legitimate military engagements between equally matched foes and were governed by universally accepted rules. “Civilized” forces honored white flags, respected the bodies of slain foes, and protected prisoners of war and noncombatants. In contrast, “savage Indians” recognized no rules of warfare, deceived their enemies, and indiscriminately massacred defenseless women and children.¹³⁹

Word choice therefore mattered a great deal when discussing the army’s conduct against indigenous peoples and reflected on the United States’ honor and righteousness of expansion across the continent. After the Civil War, eastern reformers criticized the government’s Indian policies and the army’s treatment of Indians in the West. These reformers rejected the notion that Natives were inherently warlike, arguing instead that violence in the West resulted from the government’s

¹³⁷ Dewey Horn Cloud Beard, claim, April 15, 1896, photocopy in Box 3563B, H76.1, SDSHS.

¹³⁸ Joseph Horn Cloud, statement, October 23, 1906, Jensen, ed., *The Indian Interviews*, 191.

¹³⁹ Gary L. Roberts, “Sand Creek: Tragedy and Symbol,” (PhD diss., University of Oklahoma, 1984), 1-34; Slotkin, *The Fatal Environment*, 476; Jacoby, *Shadows at Dawn*, 223-24.

unwillingness to honor treaties. Decrying the 1864 engagement at Sand Creek in Colorado Territory, where American troops slaughtered noncombatants, as a massacre marked a significant rhetorical shift, since it reversed the categories of “civilized” and “savage” and bemoaned the United States’ alleged descent into barbarism.¹⁴⁰ Reformers later condemned the high numbers of Indian noncombatant casualties at Washita, Oklahoma Territory in 1868, at Marias, Montana Territory in 1870, and at Camp Grant, Arizona Territory in 1871, as massacres.¹⁴¹ As noted in the previous chapter, reform-minded whites such as Major General Nelson A. Miles argued that the Seventh Cavalry’s conduct at Wounded Knee constituted a massacre. The major general condemned his own subordinates’ actions because he believed that negotiation was more efficient than violent suppression in campaigns against Indians. Furthermore, just as the army should recognize meritorious conduct, Miles argued that the military needed to censure behavior that tarnished the United States’ honor.

The Lakotas’ insistence that Wounded Knee was a massacre was therefore grounded in the broader linguistic politics that governed remembrance of the consolidation of American sovereignty in the West after the Civil War. Their motivations for calling the engagement a massacre, however, differed from Miles’. As Ricker recorded, “the Indians sneer at the whiteman’s conventional reference to the Custer massacre and the battle of Wounded Knee.” The reason, he noted, was “the lack of impartiality of the whites in speaking of the two events—when the whites got the worst of it was a massacre; when the Indians got the worst of it was a *battle*.” For the Lakotas, the differences between the two engagements were stark: “The Indians understand that on the Little Big Horn they were defending themselves—their village—their property—their lives—their women and children.” At Wounded Knee, “they were attacked, wantonly, cruelly, brutally, and that what little fighting they did

¹⁴⁰ Roberts, “Sand Creek, 1-34.

¹⁴¹ Paul A. Hutton, “Phil Sheridan’s Pyrrhic Victory: The Piegan Massacre, Army Politics, and the Transfer Debate,” *Montana: The Magazine of Western History* 32, no. 2 (Spring: 1982): 32-43; Richard Slotkin, “Massacre,” *Berkshire Review* 14 (1979): 112-32; Jacoby, *Shadows at Dawn*, 223-24.

was in self-defense.”¹⁴² The conduct of the Lakotas and their allies at the Little Bighorn was legitimate because Custer and his men had invaded their territory. At Wounded Knee, the army had again invaded Lakota lands and slaughtered innocent people. In both scenarios, it was the United States—the ostensibly “civilized” nation—that had invaded Indian country. By insisting that Wounded Knee was a massacre, the Lakotas rhetorically reversed the categories of “savage” and “civilized.”

The brothers twice sent their claims—marked by their reinvention of the English word massacre—to the Commissioner of Indian Affairs in the late 1890s. Just as Thomas Jefferson Morgan had initially been shocked by American Horse’s “serious charges” against the army, only to brush the allegations aside, the Indian Office in the 1890s refused to acknowledge the survivors’ claims. Horn Cloud attributed the lack of response to the fact that “this trouble comes from whites but [they] did not tell [the] truth,” suggesting that, in Horn Cloud’s mind, those who had power to define the official memory of Wounded Knee—the army and other white government officials—were consciously suppressing the killings.¹⁴³ With Washington deaf to their pleas for justice, the survivors rechanneled their energy into enshrining their memories in an obelisk erected at the mass grave on the hill overlooking the killing field of Wounded Knee.

Protesting the “Big Foot Massacre” in Granite

A decade after the Seventh Cavalry erected a monument to the soldiers killed at Wounded Knee in 1893, the Lakotas raised a countermemorial to the slain of Big Foot’s band. Whereas Colonel James Forsyth had commemorated a heroic battle at Fort Riley to seek consensus and unity following the January 1891 court of inquiry, the Lakotas turned to public commemoration in order to struggle against

¹⁴² Jensen, ed., *The Indian Interviews*, 425n5. Emphasis original.

¹⁴³ Horn Cloud to Ricker, December 23, 1903, Ricker Collection, NSHS.

the wrongs committed against them.¹⁴⁴ Their efforts intervened in a post-Civil War memorial landscape that commemorated the unity of the American nation and the martial consolidation of its sovereignty over the continent. Although marginalized on this landscape, the Lakota obelisk was likely the only monument built prior to the 1960s that celebrated indigenous resistance.¹⁴⁵ In designing the memorial, the survivors reinvented and reapplied American symbols in order to challenge the prevailing interpretation of Wounded Knee. Newspaper reporters, blinded by their own biases, frequently misread the Lakotas' appropriation of "civilized" mnemonic traditions as evidence of assimilation. Nonetheless, the shaft reflected the survivors' engagement with memory politics, as they labeled the event a "massacre" as part of their broader effort to obtain justice from the government for their losses.

In mid-1897, word hit the press that the Lakotas had proposed a monument—patterned after obelisks that honored soldiers killed securing the West for the United States—in memory of those slain at Wounded Knee. The envisioned granite shaft, funded entirely by Indian donations, would be fifteen feet tall, with a six-foot wide base that tapered to a six-inch wide apex. The *Omaha World-Herald* reported that the "fitting monuments" that marked the burial places of US troops had inspired the Lakotas' idea for an obelisk.¹⁴⁶ As noted above, these shafts proliferated across the postwar United States, as Americans memorialized the names and the sacrifices of ordinary soldiers who fought for the Union, the Lost Cause, or Manifest Destiny. Although confined to their reservations in the late nineteenth century, the Lakotas could obtain passes to visit other agencies or find work, where they

¹⁴⁴ Miraslov Volf, *The End of Memory; Remembering Rightly in a Violent World* (Grand Rapids: Eerdmans, 2006), 11.

¹⁴⁵ In his 2005 dissertation examining monuments to westward expansion, Paul Scolari could find no examples of monuments that honored Indian resistance prior to the 1960s, claiming that "Indians themselves, without a public voice [in the early twentieth century], had no role in the creation of [national] memory." He was evidently unaware of the Wounded Knee countermemorial ("Indian Warriors and Pioneer Mothers: American Identity and the Closing of the Frontier in Public Monuments, 1890-1930," [PhD diss., University of Pittsburgh, 2005], 13, 17).

¹⁴⁶ "Graves of Dead Sioux," *Omaha World-Herald*, June 16, 1897.

doubtless encountered these monuments.¹⁴⁷ For example, in 1886, Sitting Bull visited the Crow Agency—which encompassed the site of the Battle of Little Bighorn and Custer National Cemetery in Montana Territory—where he reportedly re-inscribed the meaning of the Last Stand Hill obelisk as a monument to his warriors’ victory over the Seventh Cavalry rather than to Custer’s sacrifice.¹⁴⁸ Through this and other experiences, the Lakotas learned the significance of such shafts in white culture and desired to intervene in this landscape with a memorial of their own.

For the press, this desire to raise a monument to the dead was evidence that the government’s assimilation programs were working. From the perspective of social evolutionary thought—which, as explained above, placed human societies on a progressive scale ranging from “savagery” to “barbarism” to “civilization”—acquiring writing and creating permanent monuments to the dead were key components in the transition from barbarism to civilization.¹⁴⁹ In the *New York World*’s opinion, the monument proposal “was a novel request. Usually Indians prefer to recite the tribal deeds of valor orally to their children and leave to posterity unwritten stories of their fame.”¹⁵⁰ For the *Omaha World-Herald*, erecting the memorial was “another step from their barbaric life and shows a desire to be more like the white people.”¹⁵¹ The *New York Times*, after interviewing Indian Office bureaucrats, stated that “no similar issue has been raised before so far as the authorities here can recall.” Erecting a monument patterned after shafts to soldiers was “an idea new in Indian history, and [was] taken to indicate greater civilization among the Indians than was looked for.”¹⁵²

¹⁴⁷ “Indians Are Now Working,” *Omaha Daily Bee*, August 17, 1903.

¹⁴⁸ Hoxie, *Parading Through History*, 148.

¹⁴⁹ Dippie, *The Vanishing Indian*, 95-106; Hoxie, *A Final Promise*, 17-20.

¹⁵⁰ “A New Indian War Threatened,” (*NY*) *World*, June 6, 1897.

¹⁵¹ “Graves of Dead Sioux,” *Omaha World-Herald*, June 16, 1897;

¹⁵² “The Sioux Monument Scheme,” *New York Times*, June 18, 1897.

Not only did the press (and government officials) interpret the proposal as proof of the Indians' rapid assimilation, reporters also believed that the Lakotas were adopting white ways of interpreting Wounded Knee's place in the history of the Indian Wars. In an intriguing parallel to J.R. Burton's 1893 dedicatory oration for the Seventh Cavalry's Fort Riley obelisk—a speech in which he cast Wounded Knee as the final battle of four centuries of Indian warfare—the text of the Lakotas' planned monument would ostensibly “proclaim Wounded Knee to be the last battlefield in which the Indian shall show hostility to his white brother.”¹⁵³ The proposed inscription would therefore serve the paradoxical purpose of heralding Lakota bravery while also discrediting the cause of their “hostility”: resistance against the onslaught of American expansion. Wounded Knee would serve as the dividing marker in Indian memory for the moment when they abandoned militaristic resistance and laid the foundation for their subsequent progress and prosperity.

However, the newspapers overstated the novelty of such memorials among allegedly barbaric Indians. Even without written script, indigenous peoples had developed complex ways of memorializing their dead that echoed Euro-American practices, which blurred strict social evolutionary distinctions between barbaric and civilized groups. The *New York Times* conceded that Native peoples had long employed “such marks of commemoration as stones . . . to represent the marches of some of the Indian leaders.”¹⁵⁴ Although these “memory piles” lacked written interpretive texts, they nonetheless memorialized heroic deeds in a manner similar to formal obelisks.¹⁵⁵ Furthermore, before they adopted the Euro-American practice of burying their dead in the ground, Lakotas and other Plains tribes had “interred” their dead in trees or on raised scaffolds. Mourners regularly painted black bands

¹⁵³ “Graves of Dead Sioux,” *Omaha World-Herald*, June 16, 1897.

¹⁵⁴ “The Sioux Monument Scheme,” *New York Times*, June 18, 1897.

¹⁵⁵ Jean M. O'Brien, *Firsting and Lasting: Writing Indians Out of Existence in New England* (Minneapolis: University of Minnesota Press, 2010), 58, 88.

on the scaffold standards to commemorate a warrior's heroics in battle.¹⁵⁶ Lakotas such as Joseph Horn Cloud, who ultimately designed the Wounded Knee monument's final text, likely saw obelisks as simply a new technological vehicle to express old forms of memorialization.

Additionally, there was substantial evidence even in the 1897 press reports that, far from providing proof of a "desire to be more like the white people," the Lakotas envisioned the memorial as a protest against the army's conduct at Wounded Knee and the government's subsequent refusal to compensate the survivors. First, the *Omaha World-Herald* reported that a portion of the inscription would be in Lakota, rather than English.¹⁵⁷ In the late nineteenth century, written Lakota was only a few decades old. Missionaries had transliterated oral Lakota words into Roman script, adding diacritical marks and inventing a few new letters to express Lakota sounds that lacked English equivalents, as a tool for proselyting and assimilating the Indians. Yet once invented, written Lakota was put to other uses than those intended by the missionaries, notably the preservation rather than elimination of Lakota culture. Choosing a Lakota inscription was therefore an odd component in an obelisk that was ostensibly a monument to Indian assimilation.¹⁵⁸ Aside from the Lakota-language inscription, the *New York World* related that "the Indian Agent at Pine Ridge [was] opposed to the idea," since "the presence of a monument dedicated to Big Foot's band [would] be a constant menace to the peace of the reservation, for the Sioux of South Dakota [were] still bitter over the terrible calamity that wiped out of existence" Big Foot's Minneconjous.¹⁵⁹ This article cast significant doubt on

¹⁵⁶ Hassrick, *The Sioux*, 295-97. Raymond J. Demallie, email to the author, July 31, 2012.

¹⁵⁷ "Graves of Dead Sioux," *Omaha World-Herald*, June 16, 1897.

¹⁵⁸ Todd Kerstetter, "Spin Doctors at Santee: Missionaries and the Dakota-Language Reporting of the Ghost Dance and Wounded Knee," *Western Historical Quarterly* 28, no. 1 (Spring 1997): 45-67; *New Lakota Dictionary*, 2nd ed. (Bloomington: Lakota Language Consortium, 2011); John Andrews, "Saving Their Language: Speakers Try to Revive Lakota and Dakota Before They Disappear," *South Dakota Magazine: Celebrating Life in South Dakota*, March/April 2009, accessed May 18, 2013, <http://southdakotamagazine.com/lakota-saving-their-language>.

¹⁵⁹ "A New Indian War Threatened," (*NY World*), June 6, 1897.

the reliability of the report that the Lakotas actually desired the monument to interpret Wounded Knee as the last resistance against American expansion. Lastly, the *New York Sun* explained in 1902 that “The Indians hold [Wounded Knee] to be a massacre, and the monument they are about to erect is intended as a protest against what they regard as the wanton slaughter of people of their race.”¹⁶⁰

When finally dedicated during a three-day ceremony on May 28-30, 1903, the monument permanently rooted Lakota memories at the mass grave, shaping how future visitors to the site would remember Wounded Knee.¹⁶¹ Standing just over six-feet tall, the \$350 monument was four sided, with a gabled summit crowned by a protruding acorn-like zenith.¹⁶² Horn Cloud—the principal proponent for governmental compensation—designed and funded the monument, although others donated as little as a dime to as much as five dollars.¹⁶³ Five thousand Lakotas from the surrounding reservations assembled at Wounded Knee for the dedication.¹⁶⁴ A white observer described the attendees as “gaudily-dressed” and “gayly bedecked,” with their choice of dress perhaps reflecting a cultural desire to “lay aside all signs of mourning” by adopting their “finest attire.”¹⁶⁵ Most of the Lakota men wore wide-brimmed hats, white shirts, vests, and coats, while the women came in dresses and sat under umbrellas to escape the May heat. Although there were clouds in the sky, the sun was shining and the

¹⁶⁰ “Indian Protest in Granite,” (*NY Sun*, November 2, 1902.

¹⁶¹ Radley, “Artefacts, Memory and a Sense of the Past,” 48.

¹⁶² *Rushville (NB) Standard*, May 22, 1903.

¹⁶³ “Indian Protest in Granite,” (*NY Sun*, November 2, 1902; “Indians Erect a Monument,” *Omaha World-Herald*, May 22, 1903; Pine Ridge Agency clerk to Kimball Brothers, March 22, 1904, Misc. Letters and Telegrams, vol. 45, p. 439, RG 75, National Archives and Records Administration, Kansas City, Missouri.

¹⁶⁴ T. R. Porter, “Red Men Erect Monument to Fallen Warriors,” *Omaha World Herald* (Nebraska), June 7, 1903, 24.

¹⁶⁵ Sioux Monument to Braves Who Fell at Wounded Knee,” *The Cedar Rapids (Iowa) Evening Gazette*, June 13, 1903, 11. Frances Desmore, *Teton Sioux Music*. Smithsonian Institution, Bureau of American Ethnology, Bulletin 61 (Washington, D.C.: Government Printing Office, 1918), 81.

wind was stout.¹⁶⁶ As they waited for the ceremonies to begin, old men passed around a peace pipe, while young Lakotas smoked “city-made cigarets [*sic*],” as they prepared for the solemnity that followed.¹⁶⁷

The Lakotas’ appropriation of American traditions and symbols in the dedicatory services led the press to again misinterpret the Indians’ engagement in memory politics as evidence of assimilation. A *Chicago Inter-Ocean* correspondent, for example, observed that the celebration was “an indication of the civilizing process among the Indians, where they adopted the customs of the white man and erected a monument of granite to mark as sacred the ground where their dead are buried.”¹⁶⁸ That the dedication was held on Memorial Day weekend—a holiday pregnant with nationalistic symbols and closely associated with remembering the United States’ war dead—doubtless reinforced this perception.¹⁶⁹ Furthermore, the speakers emphasized friendship and loyalty to the United States, reflecting over two decades of reservation and government school officials’ intense pressures on the Lakotas to assimilate.¹⁷⁰ Presbyterian Reverend William J. Cleveland, for example, spoke on the unity of humankind and preached that “God made of men one nation, referring to Acts 17:26. Horn Cloud followed Cleveland: “Standing by the grave wherein lies my father and my brother, and gazing upon the battlefield where they died as did many of my people, I have only good feelings toward the whites and hope we will always be friendly.” Fire Lightning, an Oglala chief who lived at Wounded Knee and

¹⁶⁶ “Dedication of the Wounded Knee Monument,” photograph, Ricker Collection, NSHS.

¹⁶⁷ T. R. Porter, “Red Men Erect Monument to Fallen Warriors,” *Omaha World Herald* (Nebraska), June 7, 1903, 24; William K. Powers, *Oglala Religion* (1975; repr., Lincoln: University of Nebraska Press, 1982), 132.

¹⁶⁸ “Sioux Monument to the Braves Who Fell at Wounded Knee,” reprinted in *Cedar Rapids (IA) Evening Gazette*, June 13, 1903.

¹⁶⁹ On the establishment of Memorial Day on May 30, see Blight, *Race and Reunion*, 71.

¹⁷⁰ David Wallace Adams, *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928* (Lawrence: University Press of Kansas, 1995).

tended the burial grounds, then spoke: “For many, many years I have been friends with the white people; I helped make the treaty with them; I have never broken that treaty and I wish to end my days a friend to them.” The crowd also sang in Lakota patriotic songs, including “America” and “My Country ‘Tis of Thee,” as an American flag waved in the wind.¹⁷¹

And yet, there were clues that these pro-American sentiments were only superficial. In the late nineteenth century, government officials banned indigenous rituals and practices that were deemed repugnant to assimilation: the Sun Dance, which in some iterations included self-mutilation; the Giveaway, which allegedly encouraged “socialism” as community members gave away their possessions to the poor; the Ghost-Keeping ritual, which helped families mourn the death of loved ones and help the deceased on their journey to the Spirit World; and polygamy, which challenged Protestant America’s adherence to monogamy, to name a few examples. By the turn of the century, however, many Native groups had become adept at holding large gatherings on major patriotic holidays; these celebrations were little more than screens for the clandestine continuation of banned practices.¹⁷² As recently as 1900, missionaries on the Lakota reservations had complained to the Indian Office that their charges were holding celebrations on July Fourth and other holidays as a means of reviving “old time pernicious practices” such as the Ghost Dance, the Sun Dance, and the Giveaway.¹⁷³ Similarly, dedicating the Wounded Knee monument on Memorial Day weekend allowed the Lakotas to openly

¹⁷¹ “Sioux Monument to Braves Who Fell at Wounded Knee,” *The Cedar Rapids (IA) Evening Gazette*, June 13, 1903, 11. “Dedication of the Wounded Knee Monument,” photograph, Ricker Collection, NSHS. Eli S. Ricker, diary, ca. 1903, in Jensen, ed., *The Settler and Soldier Interviews*, 56.

¹⁷² Jeffrey Ostler, *The Plains Sioux and U.S. Colonialism from Lewis and Clark to Wounded Knee* (Cambridge: Cambridge University Press, 2004), 169-93; Tom Holm, *The Great Confusion in Indian Affairs: Native Americans and Whites in the Progressive Era* (Austin: University of Texas Press, 2005), 40.

¹⁷³ Rev. William J. Cleveland and Rev. A. J. Johnson to Capt. W. H. Clapp, June 22, 1900, box 32, fd. January 9, 1900-August 31, 1900, Misc. Letters Received from the Office of Indian Affairs, RG 75, NARA-KC; Commissioner W. A. Jones to the U.S. Indian Agents of the Sioux Agencies in South Dakota, November 28, 1900, Land box 22, fd. January 3-December 19, 1900, Misc. Letters Received from the Office of Indian Affairs, RG 75, NARA-KC). Acting Commissioner of Indian Affairs to John Brennan, May 15, 1905, Land box 23, fd. January 6, 1905-December 28, 1905, Misc. Letters Received from the Office of Indian Affairs, RG 75, NARA-KC.

invoke patriotic symbols while covertly performing banned or disapproved rituals and expressly protesting the Seventh Cavalry's actions on December 29, 1890.

The services contained elements of the memorial feast, a Lakota ceremony that commemorated and grieved the dead, aided the deceased in their journey to the spirit world, and strengthened community ties through gift giving. The disapproved feast played much the same role as the banned Ghost-Keeping ritual.¹⁷⁴ A framed photograph, a common element at memorial feasts, leaned against the monument.¹⁷⁵ A wreath adorned the apex of the obelisk and flowers were arranged at its base.¹⁷⁶ From the nearby ravine, where so many Lakotas had died on December 29, 1890, an aged Lakota woman emerged singing a sorrowful death song, as she slowly ascended the hill. Other women joined her song, covered their heads with blankets, and expressed their grief by tossing brightly colored strips of cloth onto the mass grave. The men, likewise, grieved and sought healing by chanting death songs.¹⁷⁷ Although surviving sources do not state it explicitly, it is probable that the cloths were afterward given away to poor Lakotas in need of clothing—in other words, a Giveaway.¹⁷⁸

It was the monument itself, though, which embodied the Lakota protest of Wounded Knee. Two sides of the obelisk listed the warriors killed. Under the date of December 29, 1890, a Lakota inscription stated: *Cankpi Opi Eltona Wicakte Picun He Cajepi Kin*, which roughly translates as “These are the Names of those Killed at Wounded Knee.”¹⁷⁹ Rather than pointing toward an embrace of

¹⁷⁴ Marla N. Powers, *Oglala Women: Myth, Ritual, and Reality* (1986; repr., Chicago: University of Chicago Press, 1988), 195.

¹⁷⁵ Powers, *Oglala Religion*, 131-34; Powers, *Oglala Women*, 198.

¹⁷⁶ “Dedication of the Wounded Knee Monument,” photograph, Eli S. Ricker Collection.

¹⁷⁷ “Sioux Monument to Braves Who Fell at Wounded Knee,” *The Cedar Rapids (IA) Evening Gazette*, June 13, 1903, 11; T. R. Porter, “Red Men Erect Monument to Fallen Warriors,” *Omaha World-Herald*, June 7, 1903, 24.

¹⁷⁸ Powers, *Oglala Women*, 185-86.

¹⁷⁹ I am indebted to Leonard Little Finger, Mike Her Many Horses, and Marie Not Help Them, all of Pine Ridge,

assimilation, including Lakota-language text on the monument instead suggested the creative use of new technology to further Lakota objectives. Beginning with Big Foot, the south side—which faced the mass grave—listed twenty-two names, including Horn Cloud’s brothers, William and Sherman.¹⁸⁰ The north side identified an additional twenty-one names.¹⁸¹ The west side listed only three names, including Horn Cloud, Joseph’s father. Inscribed in English beneath his father’s name was the phrase: “The peacemaker died here innocent.”¹⁸² Family tradition describes Horn Cloud Senior telling one of his sons to raise the white flag after the Seventh Cavalry intercepted Big Foot’s people on December 28, 1890.¹⁸³ Rather than memorialize the senior Horn Cloud as a warrior, the monument text instead portrayed him as the warrior’s antithesis.

Instead of describing the “Battle of Wounded Knee,” the inscription defined the conflict as “the Big Foot Massacre.” As noted above, Horn Cloud and other survivors had been intentionally calling Wounded Knee a massacre years before the dedication of the monument. Noting that the obelisk was dedicated to the “Big Foot massacre,” a reporter mistakenly assumed that the Lakotas had modeled their memory of Wounded Knee after ways that whites memorialized the “Custer massacre.” The correspondent reasoned that just as George Armstrong Custer and the Seventh Cavalry had shed their blood for American civilization at the Little Bighorn on June 25, 1876, the Lakotas wanted to remember “Big Foot [as] the chief under whom they fought in that last and most disastrous effort of the

South Dakota, for this translation.

¹⁸⁰ Chief Big Foot, Mr. High Hawk, Mr. Shading Bear, Long Bull, White American, Black Coyote, Ghost Horse, Living Bear, Afraid of Bear, Young Afraid of Bear, Yellow Robe, Wounded Hand, Red Eagle, Pretty Hawk, Wm. Horn Cloud, Sherman Horn Cloud, Scatters Them, Red Fish, Swift Bear, He Crow, Little Water, and Strong Fox.

¹⁸¹ Spotted Thunder, Shoots the Bear, Picked Up Horses, Bear Cuts Body, Chase in Winter, Tooth Its Hole, Red Horn, He Eagle, No Ears, Wolf Skin Necklace, Lodge Skin Knopkin (?), Charge At Them, Weasel Bear, Bird Shakes, Big Skirt, Brown Turtle, Blue American, Pass Water In Horn, Scabbard Knife, Small She Bear, and Kills Seneca.

¹⁸² Horn Cloud, Courage Bear, and Crazy Bear.

¹⁸³ Marie Not Help Him, phone interview, June 15, 2011.

Indians to resist the march of civilization.”¹⁸⁴ However, the text specifically named Colonel James Forsyth as commander of the United States troops who committed the killings. The inscription defined Big Foot—not as a great military leader who opposed Forsyth—but as a peacemaker who “did many good and brave deeds for the white man and the red man.”¹⁸⁵ Future visitors to the mass grave would read that “many innocent women and children who knew no wrong died here.” Absent from the text was a reference to Wounded Knee as the last site of resistance against the United States. Wounded Knee not as a battle between heroic American soldiers and hostile Lakotas, as Forsyth had sought to memorialize at Fort Riley, but rather a wholesale slaughter of innocent people led by a chief who had long sought peaceful coexistence with whites.

Conclusion

Two places in the American West therefore claimed to represent the authentic memory of Wounded Knee. By inscribing his legacy in Fort Riley’s built environment, Forsyth could be assured that even after his departure, fort officials would protect and maintain the graves of his men and the monument raised in their honor. There was an important limitation on Forsyth’s ability to control how Wounded Knee would be interpreted in the long run, however. As a military base, Fort Riley’s personnel would be constantly changing. When Forsyth’s men retired or transferred to other posts, the commemorative community the colonel had built would dissipate. By 1898, just eight years after Wounded Knee and five years after the monument was erected, only a few veterans of the Pine Ridge Campaign remained at Fort Riley. Although there were tentative discussions of holding a large celebration for the anniversary, it was ultimately decided to simply have the band play “Garry Owen,”

¹⁸⁴ “Sioux Monument,” reprinted in *Cedar Rapids (IA) Evening Gazette*, June 13, 1903.

¹⁸⁵ On Big Foot as a peacemaker, see Ostler, *The Plains Sioux and U.S. Colonialism*, 327.

Custer's favorite song.¹⁸⁶ Without a community to sustain Forsyth's commemorative traditions, Fort Riley would gradually lose its association with Wounded Knee in the twentieth century. In a marked contrast, as will be apparent in subsequent chapters, the Lakotas on Pine Ridge sustained the memorial traditions first established at Wounded Knee in the 1890s. The monument erected at the site would not only shape how subsequent visitors interpreted the deaths that occurred there, it also served as the site of subsequent annual commemorations. At these commemorations, Lakotas would continue the protest against the government's refusal to compensate the survivors for their losses at Wounded Knee.

¹⁸⁶ "Battle of Wounded Knee," *Macon (GA) Telegraph*, December 30, 1898.

Chapter 3

No Thought of Hostility

Prior to Wounded Knee, Big Foot's band had "no thought of hostility," explained John Makes Long in a 1912 legal brief intended for the US Court of Claims.¹ Long, a Minneconjou Lakota whose parents had been killed by the US Seventh Cavalry at Wounded Knee, represented the Big Foot Survivors Association, an organization formed in the early twentieth century to pursue compensation for Lakota losses suffered on December 29, 1890.² Long's brief reflected his awareness that army officers in 1890 had categorized Big Foot and his band as "hostiles," a classification that had lasting consequences, since government policy prohibited "hostiles" from subsequently claiming redress. Long contended that his relatives' adoption of the Ghost Dance was "not in any way as an indulgence in any hostile movement."³ The Minneconjous only fled the Cheyenne River Reservation after being warned that the soldiers intended to arrest and remove the band. After the Seventh Cavalry detained them on the Pine Ridge Reservation and demanded their weapons on December 29, the Lakotas complied "in the same spirit of peace" that had marked their conduct since leaving Cheyenne River. Once disarmed, Long alleged, the cavalrymen opened fire on the defenseless Lakotas, killing hundreds of men, women, and children. The survivors, having suffered emotionally and materially for twenty-two years after

¹ John M. Long, brief, 1912, copy in James E. High Hawk to Thomas R. Nelson, Esq., April 2, 1924, 1891-1944 Wounded Knee, Sioux Miscellany Manuscripts, Box 3549B, H 75.321, Fd. 10, South Dakota State Historical Society, Pierre, South Dakota.

² John M. Long to CIA R. G. Valentine, April 22, [1912], copied in High Hawk to Nelson, Esq., April 2, 1924, Sioux Miscellany Manuscripts, SDSHS; J. E. Hi Hawk to Ralph H. Case, Ralph H. Case Papers, Archives and Special Collections, University Libraries, University of South Dakota, Vermillion, South Dakota. The exact date of the BFSA's founding remains unknown, although it is possible that it was founded in preparation for this attempted suit before the Court of Claims.

³ Long, brief, 1912, copy in High Hawk to Nelson, April 2, 1924, 3-5, Sioux Miscellany Manuscripts, SDSHS.

1890, demanded that the government redress their grievances.⁴

Long's insistence that Big Foot's band had been peaceful in 1890 reflected the survivors' ongoing engagement with memory politics. Just as the Lakotas favored the English word "massacre" over "battle" to describe Wounded Knee, the survivors objected to the army's use of the term "hostile" to represent Big Foot's band in 1890. Following the 1903 dedication of the monument to the Wounded Knee dead, Joseph Horn Cloud and other Lakotas pursued this linguistic struggle in a series of compensation claims that resulted in multiple Indian Office inquiries prior to 1920. It was in these investigations that the survivors pitted their memories against official explanations for Wounded Knee. Long argued in his 1912 brief, for example, that "the records of the government in connection with [Wounded Knee] do not set forth the actual conditions relating thereto." Rather than rely on faulty government records, Long insisted that the court should instead trust "those who have intimate personal knowledge of the history of Big Foot and his band."⁵ In an era dominated by assimilationist policies, however, government officials were hesitant to take the Lakotas' interpretations seriously. Recognizing their comparative disadvantage within the compensation system, the survivors sought out individuals who they called "good white people." The Lakotas dictated extended statements to these sympathetic whites, in hopes they would publicize the survivors' cause. Like other "New Indians" of the Progressive Era, the survivors were therefore using writing and the English language to improve their peoples' situation.⁶ Both in their compensation claims and their dictated accounts, the survivors focused on a single message: contrary to the army's official story, which portrayed Big Foot's band as "hostile," the Seventh Cavalry had massacred a group of peaceful Lakotas at Wounded Knee.

⁴ Long, brief, ca. 1912, copy in High Hawk to Nelson, April 2, 1924, 5-8, quote on 7, Sioux Miscellany Manuscripts, SDSHS. The Indian Office declined to support the BFSA's Court of Claims suit (T.H. Abbot to John M. Long, June 14 [or 18], 1912, copied in High Hawk to Nelson, Esq., April 2, 1924, Sioux Miscellany Manuscripts, SDSHS).

⁵ Long, brief, 1912, copy in High Hawk to Nelson, Esq., April 2, 1924, Sioux Miscellany Manuscripts, SDSHS.

⁶ See Frederick E. Hoxie, ed., *Talking Back to Civilization: Indian Voices from the Progressive Era*. The Bedford Series in History and Culture (Boston: Bedford/St. Martin's, 2001).

Early Claims

The “friendly”/ “hostile” binary—which Euro-Americans used to classify Indians according to their orientation toward the United States—shaped and constrained the Wounded Knee survivors’ pursuit of compensation during the first two decades of the twentieth century. These classifications had a history rooted in European notions of “race war,” or the inevitable conflict between “civilization” and “savagery.” Euro-Americans labeled as “hostile” those Natives deemed primitive, inherently warlike, cruel, and inexorably opposed to the “advance of civilization.” “Friendlies,” on the other hand, were loyal allies to whites. They frequently advocated strategies of accommodation rather than resistance. During periods of war, US troops used these terms as shorthand to categorize Natives as either peaceful or warlike.⁷ After the government confined tribes to reservations, however, the meaning of these terms shifted. Indian Office employees adopted the binary to distinguish between those Indians who accepted or resisted the government’s assimilation programs. “Friendlies” (also known as progressives) accepted the authority of the agent, sent their children willingly to government schools, embraced Christianity, and wore Euro-American clothing. “Hostiles” (sometimes called traditionalists or nonprogressives), while not militarily opposed to the United States, actively resisted the government’s assimilation project. As with any binary, these neat categories never reflected reality. Native leaders may have disagreed over the most effective strategies against the United States’ consolidation of power over Indian lands—with some advocating accommodation and others promoting resistance—but all did what they thought necessary to protect their peoples’ interests.⁸

This “friendly”/ “hostile” dichotomy framed the compensation provisions embedded in most treaties between the United States and Indian nations. These provisions, along with congressional

⁷ Richard Slotkin, *The Fatal Environment: The Myth of the Frontier in the Age of Industrialization, 1800-1890* (1985; repr., Norman: University of Oklahoma Press, 1994), 100-101.

⁸ Jeffrey Ostler, *The Plains Sioux and U.S. Colonialism from Lewis and Clark to Wounded Knee* (Cambridge: Cambridge University Press, 2004), 7, 194-216.

statutes that regulated the government's claims process, were designed to prevent parties wronged by isolated instances of theft and property destruction—popularly known as depredations—from resorting to retaliation and ultimately full-scale war.⁹ Article 1 of the 1868 Treaty of Fort Laramie, which established peace between the Lakota nation and the United States, stated that if a white individual wronged a Lakota's person or property, or, conversely, if a Lakota wronged the person or property of “any one, white, black, or Indian, subject to the authority of the United States,” the federal government would compensate the wronged party out of Treasury funds.¹⁰

Only “friendly” Indians had access to the claims system in the wake of conflict, while “hostiles” were barred from it, regardless of their own personal losses. The Lakotas' 1868 treaty specified that “no one sustaining loss while violating the provisions of this treaty, or the laws of the United States, shall be reimbursed therefor.”¹¹ As noted in the previous chapter, when Congress appropriated \$100,000 to compensate “friendly” Lakotas for property stolen or damaged by “roving bands of disaffected Indians” during the “recent Sioux trouble,” Special Agent James A. Cooper was charged with determining who had been “hostile, either by word or action, to the government of the United States” in 1890.¹² Since Cooper had served as a special advisor for the Indian Office on Pine Ridge during the crisis, he drew on his memory of how civil and military officials had classified certain bands. At times, Cooper deemed participation in the Ghost Dance as sufficient evidence that a Lakota was “disaffected”

⁹ See Larry C. Skogen, *Indian Depredation Claims, 1796-1920*, Legal History of North America (Norman: University of Oklahoma Press, 1996).

¹⁰ Treaty with the Sioux—Brulé, Oglala, Miniconjou, Yanktonai, Hunkpapa, Blackfeet, Cuthead, Two Kettle, Sans Arcs, and Santee—and Arapaho, April 29, 1868, in *Indian Affairs: Laws and Treaties*, compiled and edited by Charles J. Kappler (Washington, DC: GPO, 1904), 2:998. Initially, Article 1 required the Lakotas themselves to compensate parties wronged by “bad Indians” out of treaty annuities, but after 1870 the Treasury Department assumed all compensation payments in the indemnity system (Skogen, *Indian Depredation Claims*, 188).

¹¹ Treaty with the Sioux, April 29, 1868, in *Indian Affairs*, 2:998.

¹² R. Eli Paul, “The Investigation of Special Agent Cooper and Property Damage Claims in the Winter of 1890-1891,” *South Dakota History* 24, no. 3 (Winter 1994): 221.

or “hostile.” For example, the agent rejected the claim of an ordinary Oglala applicant, Afraid of Hawk, for admitting in his petition that he had lost some property while visiting Short Bull, a prominent leader of the Ghost Dance movement, in the “hostile” camp in the Badlands.¹³ However, Cooper also granted the claims of prominent Lakota leaders Short Bull (the very leader Afraid of Hawk had visited), No Water, Jack Red Cloud, Big Road, and Hump, all of whom were leading Ghost Dancers at some point during the crisis, but had subsequently advocated for peace. Cooper’s inconsistent definition of “friendly” and “hostile” labels demonstrated the instability of such concepts. Cooper excluded the Wounded Knee survivors since government officials had designated Big Foot’s band as “hostile” in 1890.¹⁴

1903-1905 Claim

During the first decade of the twentieth century, government officials conducted two separate investigations into compensation claims filed by the survivors of Wounded Knee. These examinations were ultimately inquiries into memory, as the Lakotas and Indian Office bureaucrats struggled first to establish the basic facts leading to Wounded Knee and second whether the survivors had a valid claim on the government for losses suffered in late 1890. The investigations, however, were not open queries into the truth of what had happened, but rather were constrained by the parameters of the government’s indemnity system generally and the 1891 compensation act specifically. The survivors were therefore forced to limit their early claims to property losses rather than issues of deeper significance such as ultimate culpability for the fight and the deaths that followed. Although the investigators spent some time verifying the substance of the survivors’ property claims, the examinations focused primarily on whether Big Foot’s band had been “hostile” toward the government in 1890, which, if proven, would

¹³ Paul, “The Investigation of Special Agent Cooper,” 219.

¹⁴ Paul, “The Investigation of Special Agent Cooper,” 234; Rani-Henrik Andersson, *The Lakota Ghost Dance of 1890* (Lincoln: University of Nebraska Press, 2008), 347n179.

have automatically disqualified the claims. The inquiries therefore unfolded on unfavorable epistemological grounds for the Lakota claimants, since the investigators operated within a worldview that favored contemporary official records over oral testimony recorded after the fact.

The survivors who had remained on the Pine Ridge Reservation instigated the first investigation in 1903. As noted previously, Joseph Horn Cloud had corresponded with the Indian Office in the mid-1890s regarding compensation, but officials were unwilling to consider his request. Several factors combined in the early twentieth century to convince him to resubmit his claim. First, Horn Cloud's pursuit of compensation reflected Lakota kinship obligations to pursue justice in the wake of a murder. Traditionally, Lakotas punished murderers by ostracizing them, but the victim's relatives had the right to kill the offender in retribution. In many cases, however, the family of the dead demanded compensation from the murderer, which if granted could lead to forgiveness, symbolic cleansing of the offender, and reintegration into Lakota society. Often relatives of a murdered individual would mourn for years until the perpetrator answered the demand for reparations. This compensation could not replace the family member, but it would heal the rift created by the murder. In short, the initial failure to obtain compensation did not deter Horn Cloud and other survivors, since they were culturally obligated to pursue justice until it was found.¹⁵

Second, the 1903 dedication of the monument to the Wounded Knee dead doubtless served as a catalyst, not only for Horn Cloud to revisit the claim, but also for the remnant of Big Foot's band to organize self-consciously as survivors. The obelisk's inscription emphasized the guilt of the Seventh Cavalry and the innocence of the women and children killed in "the Big Foot Massacre." The process of raising funds for the monument's construction and planning the dedication program would have put

¹⁵ Royal B. Hassrick, *The Sioux: Life and Customs of a Warrior Society* (Norman: University of Oklahoma Press, 1964), 48-51; Raymond J. DeMallie, ed., *The Sixth Grandfather: Black Elk's Teachings Given to John G. Neihardt* (Lincoln: University of Nebraska Press, 1984), 391-94; Skogen, *Indian Depredations Claims*, 9.

Horn Cloud in touch with other survivors on Pine Ridge, Cheyenne River, and elsewhere. In this context Horn Cloud began drafting two lists: one that identified by name those killed at Wounded Knee and a second that catalogued the names of one hundred and six survivors. The latter list included names of individuals who had returned to the Cheyenne River Reservation after Wounded Knee—such as Fast Boat (also known as Edward Owl King) and Peter One Skunk—as well as Pine Ridge survivors, like Horn Cloud’s older brothers, Dewey Beard and Daniel White Lance. The creation of the list suggested that as early as 1903, the survivors of Wounded Knee were not thinking of themselves as isolated individuals, grieving either alone or with those immediately around them, but as part of a group bound together by their memories of a world shattered by the trauma of a massacre.¹⁶

Third, the difficult transition to reservation life in the late nineteenth century had created a culture of claiming compensation among indigenous peoples throughout the United States. While no Lakota would have chosen dependency over self-sufficiency, the economic realities of the reservation forced many Native peoples to pursue any option to increase the flow of cash into their communities. Seeking compensation for treaty violations and other past wrongs provided one means to accomplish this goal. As Jeffrey Ostler has noted, “It was also important that the United States make amends for past injustices so that proper relations between the two nations could be restored.”¹⁷ Already by the late nineteenth century, the Lakotas had successfully claimed reparations for horses, guns, and other property seized by the US Army from “friendly” Indians during the so-called Great Sioux War of

¹⁶ Joseph Horn Cloud, “List of Survivors of Big Foot’s Band,” ca. 1903, Richard E. Jensen, ed., *Voices of the American West*, vol. 1, *The Indian Interviews of Eli S. Ricker* (Lincoln: University of Nebraska Press, 2005), 204, 206-208. See also Joseph Horn Cloud, survivors list, July 10, 1917, Cherry Creek, South Dakota, photocopy in Wounded Knee Compensation Papers, 1891-1976, H76-24, South Dakota State Historical Society, Pierre, South Dakota.

¹⁷ Jeffrey Ostler, *The Lakotas and the Black Hills: The Struggle for Sacred Ground*. The Penguin Library of American Indian History (New York: Viking, 2010), 128. See also Raymond J. DeMallie, “Pine Ridge Economy: Cultural and Historical Perspectives,” in *American Indian Economic Development*, ed. Sam Stanley (The Hague: Mouton Publishers, 1978), 251-57, and Jeffrey D. Means, “‘Indians shall do things in common’: Oglala Lakota Identity and Cattle-Raising on the Pine Ridge Reservation,” *Montana: The Magazine of Western History* 61, no. 3 (Autumn 2011): 3-21.

1876.¹⁸ In addition, the Lakotas sought compensation for revenues lost from gold and other minerals extracted from the Black Hills, which the United States seized in 1876 under questionable circumstances. Although the Lakotas saw the Black Hills as the cosmological equivalent of the biblical Garden of Eden—their place of origin—they reluctantly conceded that repossession of the land was all-but-impossible and instead focused on monetary compensation.¹⁹ In 1902 and again in 1903, Lakota leaders met with South Dakota Congressman Eben W. Martin on Pine Ridge to discuss the Black Hills claim. Since Joseph Horn Cloud was then serving as Oglala tribal council secretary, he was probably present at these discussions.²⁰

It was therefore in the context of the monument dedication, Lakota death culture, and the Black Hills claim that Horn Cloud resubmitted his Wounded Knee petition in 1903. As in the 1896 claim, Horn Cloud explained that in the midst of the troubles of 1890, the Oglala Chief Red Cloud had asked Big Foot to come to Pine Ridge in hopes that the Minneconjou chief would use his well-known diplomatic skills to diffuse the tense situation between US troops and the Ghost Dancers who had fled to the Stronghold, a remote enclosure some distance from the agency. Joseph's father, Horn Cloud Senior, was related to Big Foot and an advisor to the chief, and therefore went south with the band. The family left a great deal of property at Cheyenne River in order to move quickly. After losing his parents, brothers, and other relatives at Wounded Knee, Joseph Horn Cloud discovered that all of his father's property had been stolen. Although he could not identify the culprits, Horn Cloud suspected that neighboring Lakotas, white ranchers and soldiers, and mixed-race individuals had divided the family's horses, cattle, shelter, tools, and even eighteen schoolbooks. Notably, Horn Cloud did not

¹⁸ Mario Gonzalez and Elizabeth Cook-Lynn, *The Politics of Hallowed Ground: Wounded Knee and the Struggle for Indian Sovereignty* (Urbana: University of Illinois Press, 1999), 395n32.

¹⁹ Ostler, *The Lakotas and the Black Hills*, 3-27.

²⁰ Ostler, *The Lakotas and the Black Hills*, 129-30; Joseph Horn Cloud to Eli S. Ricker, December 23, 1903, Eli S. Ricker Collection, Nebraska State Historical Society, Lincoln, Nebraska.

address his family's involvement with the Ghost Dance, likely because he was aware that many government officials equated participation in the dance with "fanaticism" and "hostility" toward the government, although he did emphasize that the family had moved south for peaceful reasons.²¹ Horn Cloud's older brother, Dewey Beard, also resubmitted his claim for property stolen from his Cheyenne River home and noted that his family had been killed at Wounded Knee. Other Lakota survivors or heirs Frank Feather, John Shell Necklace, and Tall Woman, likewise submitted claims.²²

Horn Cloud, remembering that the government had previously denied his claims, also petitioned the Indian Office for the right to hire an attorney to assist in navigating the system.²³ In the early twentieth century, it was nearly impossible for Indians to hire lawyers and file suit against the United States. The Indian Office regulated all attorney contracts, ostensibly to protect Natives from unscrupulous lawyers. Even with an attorney, Congress needed to pass special acts granting tribes the right to bring suits against the United States before the Court of Claims, a process that often took years to complete.²⁴

Rather than authorize him to hire counsel, the Indian Office in early 1904 instructed Pine Ridge Agent John R. Brennan to investigate Horn Cloud's claim and advise the office whether it had merit. Brennan had co-founded Rapid City, South Dakota, in 1876, and had been active in local and state politics prior to his 1901 appointment as the first civilian agent of Pine Ridge after a decade of military

²¹ Farmer James Smalley to John Brennan, no date, Letters Received, 1881-1907, 1905-36010, RG 75, National Archives and Records Administration-Washington, D.C. I am indebted to Philip Burnham for documents in this file.

²² Horn Cloud to Ricker, December 23, 1903, Ricker Collection, NSHS; John R. Brennan to CIA, [May 4, 1905], Letters Received, 1881-1907, 1905-36010, RG 75, NARA-W.

²³ Acting Commissioner of Indian Affairs to John Brennan, February 17, 1904, Finance folder January 2, 1904-July 27, 1904, Finance box July 7, 1903-December 29, 1906, Letters Received from the Office of Indian Affairs, RG 75, National Archives and Records Administration-Kansas City, Missouri.

²⁴ Edward Lazarus, *Black Hills, White Justice: The Sioux Nation versus the United States, 1775 to the Present* (1991; reprint, Lincoln: Bison Books, 1999), 124, 138-40.

control.²⁵ Brennan delegated the investigation to James Smalley, the “boss farmer” who resided near the claimants in Kyle, South Dakota.²⁶ Boss farmers were Indian Office employees who supervised individual farms, arranged leases, distributed rations, assisted reservation law enforcement, and, at least in theory, protected tribal members from encroaching white settlers. They also heard complaints, which is probably why Brennan tapped Smalley to evaluate the survivors’ claims.²⁷

After meeting with Horn Cloud, Smalley recommended against the claim, arguing that Horn Cloud Senior had been “hostile” in 1890. The farmer reported to Brennan that the Minneconjous, having been “invited by Red Cloud and others to visit Pine Ridge,” had left their property behind. Smalley explained that “it seems as soon as they received the invitation to come to Pine Ridge, they left everything and started. As is well known nearly the whole band were killed at W[ounde]d Knee. [Horn Cloud] does not know what became of the property but thinks it was divided among the Indians[,] whites[,] and halfbreeds who staid [*sic*] behind.” It remains unclear whether Smalley conducted additional research in contemporary government documents; however, he operated under the assumption—promoted by the army and other non-Natives—that Big Foot and his followers had “hostile” intentions in 1890. Smalley argued “that Old Man Horn Cloud abandoned his place and property to come to Pine Ridge and mix into trouble, and now his children want the Government to pay them for it.”²⁸ The boss farmer therefore rejected Horn Cloud’s historical argument that his father had been peaceful in 1890.

²⁵ See John C. Borst, “The John R. Brennan Family Papers at the South Dakota Historical Resource Center,” *South Dakota History* 14 (1984): 68-72.

²⁶ John Brennan to James Smalley, February 23, 1904, Letters Received, 1881-1907, 1905-36010, RG 75, NARA-W.

²⁷ Frederick E. Hoxie, “From Prison to Homeland: The Cheyenne River Indian Reservation before WWI,” *South Dakota History* 10, no. 1 (Winter 1979): 21-22.

²⁸ Farmer James Smalley to John Brennan, no date, Letters Received, 1881-1907, 1905-36010, RG 75, NARA-W.

Brennan likewise opposed the claim, asserting for reasons that remain unclear that the claimants had provided insufficient evidence in their petitions. On May 4, 1905, Brennan reported to his superiors that “Horn Cloud is unable to produce evidence or proofs of a tangible nature to substantiate his claim. His own statement of the loss was about all we were able to secure.”²⁹ Brennan’s assessment is puzzling. A comparison between the claims submitted by “friendly” Lakotas in 1891 and Dewey Beard’s 1903 claim, for example, demonstrates that the survivors attempted to follow the format of the earlier petitions. The 1891 claims contained a short narrative describing the losses, a list tabulating the monetary value of the property, and witnesses who attested the truth of the petition. Beard’s 1903 claim included all of these elements, including the signature of his older cousin, Long Bull, who had also survived Wounded Knee and would have been familiar with the family’s property in 1890. Shell Necklace, another survivor claimant, had also attested to Beard’s petition.³⁰ Following Brennan’s reasoning, however, the Indian Office rejected the claims.³¹

The government also rejected Horn Cloud’s request to hire an attorney, contending that without additional evidence presented under oath, “it [would be] useless for them to waste time and money employing lawyers to prosecute their claims. If there [was] valid evidence, they [could] prepare it as well, or better, under [Brennan’s] supervision, than by the aid of any lawyer that they may be able to procure.”³² This was likely a standardized response. The government regularly argued that, as the guardian of the Indians’ interests, the Indian Office could deal with Native claims better than

²⁹ John R. Brennan to CIA, [May 4, 1905], Letters Received, 1881-1907, 1905-36010, RG 75, NARA-W.

³⁰ Dewey Beard, claim, no date, Letters Received, 1881-1907, 1905-36010, RG 75, NARA-W. See also Horn Cloud, statement, October 23, 1906, in Jensen, ed., *The Indian Interviews*, 201.

³¹ Acting Commissioner of Indian Affairs to John Brennan, May 17, 1905, Finance folder January 3-December 29, 1905, Finance box 20, July 7, 1903-December 29, 1906, RG 75, NARA-KC.

³² Acting CIA to Brennan, May 17, 1905, Finance folder January 3-December 29, 1905, Finance box 20, July 7, 1903-December 29, 1906, RG 75, NARA-KC.

attorneys.³³ Brennan, who disdainfully dismissed Lakotas who spent their time pursuing “will-o’-wisp proposition[s],” was hardly a better advocate than an attorney.³⁴ That the claims followed the format of those submitted in compliance with the 1891 act suggests that there was more going on here than apparent on the surface, since an older relative serving as a witness should have been sufficient for their claims. The survivors learned that as long as the Indian Office denied them the right to counsel, they were on their own against a bureaucracy that was hostile to their claims.

1909-1910 Claim

Four years later, the remnant of Big Foot’s band again sought compensation for property that had been destroyed or stolen after they left their Cherry Creek homes on the Cheyenne River Reservation. On September 6, 1909, seventy-six survivors and/or heirs wrote claims for “household goods, horses, cattle, saddles, hay, etc.” that was lost in 1890 while the band was away from their homes.³⁵ The claimants included survivors who had remained on Pine Ridge, such as Peter Stands, as well as Daniel Blue Hair and Jackson Kills White Man, who had returned to Cheyenne River in the aftermath of Wounded Knee.³⁶ After Pine Ridge officials rejected Horn Cloud’s claim in 1905, the survivors opted to try the Cheyenne River Superintendent, L. F. Michaels, who submitted their affidavits with a letter of explanation to his superiors on January 10, 1910.³⁷ The cooperation between the survivors on both reservations foreshadowed later collaborations to obtain compensation.

On January 29, 1910, the Department of the Interior tasked Inspector James McLaughlin

³³ H.D. Rosenthal, *Their Day in Court: A History of the Indian Claims Commission* (New York: Garland Publishing, 1990), 22.

³⁴ Lazarus, *Black Hills, White Justice*, 130.

³⁵ Louis Pfaller, *James McLaughlin: The Man With an Indian Heart* (New York: Vantage Press, 1978), 363, 426n71.

³⁶ Pfaller, *James McLaughlin*, 362.

³⁷ McLaughlin to Secretary of the Interior, April 6, 1910, 3, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W. I am indebted to Mike Her Many Horses for documents in this file.

with evaluating the claims.³⁸ A career Indian Office employee, McLaughlin had spent nineteen years as an Indian agent, including fourteen on the Standing Rock Agency with the Hunkpapa Lakotas in Dakota Territory. McLaughlin's worldview embodied the "Vanishing Policy" that dominated Indian affairs during the late-nineteenth and early-twentieth century. He firmly believed that "the immutable law of the survival of the fittest" would result in whites displacing North America's Native population. However, he also held that Indians—with the help of "benevolent" whites such as himself—could make the painful transition from "savagery to civilization" by adopting white ways and assimilating into the American body politic. Although generally considered honest and above corruption, McLaughlin's worldview precluded a sympathetic approach to his charges.³⁹

In 1895, McLaughlin was promoted to Inspector, rendering him the face of the government in Indian Country as he assessed schools, farms, and agency headquarters, resolved disputes, and negotiated the land deals that opened up reservations to white settlers in the late nineteenth and early twentieth centuries. During the first decade of the new century, McLaughlin conducted two investigations of compensation claims, both of which stemmed from Civil War-era conflicts. To guarantee that treasury dollars did not go to former enemies of the United States, McLaughlin scoured government archives to ensure that alleged "hostiles" did not file illegitimate petitions, and he tended to favor the judgments of previous government officials over the applicants' own word. In the first investigation, pro-Confederacy Creeks destroyed or stole a substantial amount of property from the so-called "Loyal Creeks," who allied with the Union. In 1866, the government partially rewarded Loyal Creeks' fidelity by compensating them for their losses, although the tribe's attorneys pressed the

³⁸ McLaughlin to Secretary of the Interior, April 6, 1910, 2, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W.

³⁹ James McLaughlin, *My Friend The Indian* (New York: Houghton Mifflin, 1910), vii. For more on McLaughlin's general worldview and context, see Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians* (Lincoln: University of Nebraska Press, 1984) and Tom Holm, *The Great Confusion in Indian Affairs: Native Americans and Whites in the Progressive Era* (Austin: University of Texas Press, 2005), 1-22.

government for additional compensation money. In 1903, Congress appropriated an additional \$600,000, and McLaughlin analyzed 4,000 claims of survivors and heirs to establish their validity and ensure that no “hostiles” filed petitions.⁴⁰ In the second case, McLaughlin investigated claims from the US-Dakota War of 1862. The government’s failure to honor treaty provisions spurred Santee Dakota bands to wage war against federal troops and white settlers in Minnesota. In response to the conflict, Congress abrogated the Dakotas’ 1851 treaty and withdrew promised rations from all Santees, regardless of actual participation in the fighting. After the US Court of Claims upheld the Santees’ legal challenge, Congress allocated nearly \$800,000 to restore suspended annuities, with a condition that former “hostiles” be excluded from this money. In 1908-1909, McLaughlin examined thousands of claims, looking for any evidence of a claimant’s alleged “hostility” toward the government.⁴¹

McLaughlin brought the same intensity to the Lakotas’ petitions. He was chosen to evaluate the Cherry Creek claims because of his role in the Pine Ridge Campaign of 1890-91. Secretary of the Interior Franklin Pierce told McLaughlin: “As you were on the ground at the time and are well acquainted with the facts, you are no doubt in a better position to advise the Department regarding the matter than anyone else. In your report will you kindly say whether any of the Indians who have signed statements were responsible for the trouble or if they were all innocent sufferers.”⁴² As Standing Rock Agent, McLaughlin had opposed the Ghost Dance, which he considered a “fanatical” and dangerous movement that impeded the Lakotas’ progress toward “civilization” and that challenged the Indian Office’s authority on the reservation. His order to arrest Sitting Bull—in McLaughlin’s mind the “chief priest and leading apostle” of the Ghost Dance—resulted in the aged chief’s death at the hands of the agency police on December 15, 1890. Many of Sitting Bull’s followers, who McLaughlin considered

⁴⁰ Pfaller, *James McLaughlin*, 349-51.

⁴¹ Pfaller, *James McLaughlin*, 358-60.

⁴² Quoted in Pfaller, *James McLaughlin*, 362.

“the more worthless, ignorant, obstinate and non-progressive of the Sioux” had relatives on Cherry Creek, which doubtless colored the inspector’s views of the Lakotas’ 1909 claims.⁴³ Although McLaughlin believed that he “was personally acquainted with most of the Indians then residing in the Cherry Creek District of the Cheyenne River Reservation,” he recruited E. J. Warner, a trader and former financial agent assigned to Cherry Creek who was acquainted with many of the claimants, to help with the evaluation.⁴⁴

McLaughlin found the claims to be “ridiculously absurd” for multiple reasons. Most of McLaughlin’s points reflected his assumption that Big Foot’s followers were “backward” in 1890 and that adherence to the Ghost Dance automatically made the Minneconjous “hostile” to the government. First, he argued that the Cheyenne River Lakotas’ losses during the Pine Ridge Campaign had been “insignificant” compared those of other reservations, implying that the Cherry Creek claims had been inflated.⁴⁵ Second, he reminded the Interior Department that Congress had appropriated \$100,000 to compensate friendly Indians in 1891, which had been distributed in full, and that “hostile” Natives were ineligible for compensation. He was nearly certain that most, if not all, of the claimants were members of Big Foot’s band, and were therefore not “entitled to compensation [for lost property] under the said act of March 3, 1891.”⁴⁶ Third, even if the Cherry Creek claimants had been “friendly” in 1890, their claims to the number of tons of hay lost were exaggerated, since average Lakotas at the time did not produce hay in such quantities. Lastly, McLaughlin argued that during periods of unrest,

⁴³ Ostler, *The Plains Sioux and U.S. Colonialism*, 212-16, 320-26. See also Pfaller, *James McLaughlin*, 128-31.

⁴⁴ McLaughlin to Secretary of the Interior, April 6, 1910, 1-2, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W.

⁴⁵ McLaughlin to Secretary of the Interior, April 6, 1910, 2, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W.

⁴⁶ McLaughlin to Secretary of the Interior, April 6, 1910, 3, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W.

Lakotas would not have left behind items such as “buckskin clothes, tanned-deer skins, and guns.”⁴⁷

Arguing that the claimants’ historical assertions were fabricated, McLaughlin recommended against compensation. On April 22, 1910, the Interior Department notified Superintendent Michaels that the claims had been rejected.⁴⁸ Twice during the first decade of the twentieth century, the Office of Indian Affairs had rejected the survivors’ compensation claims based largely on the assumption that Big Foot’s band had been “hostile” in 1890 and therefore ineligible for compensation.

Good Men to Help Us See About This Matter

Frustrated by the government’s rejection of their compensation claims, the remnant of Big Foot’s band began looking outside of government channels for aid. Recognizing their powerlessness within the government’s compensation system, the survivors believed that sharing their stories with sympathetic whites would win public support and force the Indian Office to acknowledge their pleas. The Lakotas’ interests aligned with two groups that had emerged in the late nineteenth century—academic ethnographers and amateur historians of the Indian Wars. Several interlocutors associated with these groups visited the Lakota reservations during the first two decades of the twentieth century and recorded detailed interviews with the survivors.⁴⁹ Just as Joseph Horn Cloud had previously engaged the linguistic and memory politics surrounding the English word “massacre” in his compensation claims and the 1903 monument, these interviews provided the survivors a means to contest the government’s classification of Big Foot’s band as “hostile” in 1890.

⁴⁷ McLaughlin to Secretary of the Interior, April 6, 1910, 2-3, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W.

⁴⁸ McLaughlin to Secretary of the Interior, April 6, 1910, 3-4, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W; Pfaller, *James McLaughlin*, 363.

⁴⁹ Aside from James R. Walker, Eli S. Ricker, Walter Mason Camp, and Melvin Gilmore, discussed in detail below, New York artist William Reed interviewed survivor Dewey Beard sometime between 1907 and 1913. Reed’s interview notes have not yet been located (Dewey Beard, interview, October 24, 1913, Melvin R. Gilmore Notebook, Melvin R. Gilmore Papers, NSHS).

The appearance of white interlocutors on the Lakota reservations illustrated the remarkable changes that had occurred in white society since the 1860s, when the Indian reform movement began incorporating indigenous perspectives into their broader critiques of the government's conduct of national expansion. Arguing that killing Indian noncombatants was incompatible with the United States' highest ideals of fairness and justice, reformers such as Helen Hunt Jackson traced the nation's "dishonorable" treatment of indigenous peoples during the nineteenth century. Rather than interpret the violence at Sand Creek in 1864, Marias in 1870, and Camp Grant in 1871 as prerequisites for the establishment of "civilization," the reformers argued that these events were horrid massacres that portended the United States' descent into "barbarism." Epistemologically, the reformers relied primarily on government documents, some of which summarized the viewpoints of Native victims, as reported by Indian Office agents.⁵⁰ However, after the reformers' calls for investigations receded, few whites were interested in asking Indian eyewitnesses to these atrocities to formally record their memories. The majority of the Sand Creek survivors, for example, settled together on the Cheyenne-Arapaho Reservation in Indian Territory (in current-day Oklahoma), yet few reporters or ethnologists sought them out to record their statements.⁵¹ The Cheyennes and Arapahos, for their own part, distrusted whites and had no realistic expectations of justice after the abrogation of the 1865 Treaty of Little Arkansas, which had promised reparations to the survivors.⁵² Only in the early twentieth century would survivor George Bent, the educated son of trader William Bent and his Cheyenne wife, Owl

⁵⁰ U.S. Congress, *Piegian Indians*, House Executive Documents 49, 185, 197, and 269, 41st Cong., 2nd Sess. (1870); Paul Hutton, "Phil Sheridan's Pyrrhic Victory: The Piegan Massacre, Army Politics, and the Transfer Debate," *Montana: The Magazine of Western History* 32, no. 2 (Spring 1982): 32-43; Ostler, *The Plains Sioux and U.S. Colonialism*, 46-48; Karl Jacoby, *Shadows at Dawn: A Borderlands Massacre and the Violence of History* (New York: Penguin, 2008), 187; Ari Kelman, *A Misplaced Massacre: Struggling Over the Memory of Sand Creek* (Cambridge: Harvard University Press, 2013), 213-18; Andrew R. Graybill, *The Red and the White: A Family Saga of the American West* (New York: W. W. Norton, forthcoming).

⁵¹ Gary Leland Roberts, "Sand Creek: Tragedy and Symbol," (PhD diss., University of Oklahoma, 1984), 701-11.

⁵² "Roberts, "Sand Creek," 699; Kelman, *A Misplaced Massacre*, 94.

Woman, challenge in writing the dominant interpretations of the event.⁵³ Other survivors preserved and transmitted their memories orally, which were recorded on paper only in the twentieth century.⁵⁴

The professionalization of ethnography as an academic field in the late nineteenth century marked an important milestone in the changing views toward the reliability of Indian perspectives on the past. Previously, anthropology had been the domain of a few privately funded amateurs, but during the 1880s and 1890s trained research teams operating within the Smithsonian's Bureau of Ethnology, museums, and universities, asserted control over the field. It was no coincidence that this professionalization occurred after most Native groups had been militarily subdued and confined to reservations, as anthropologists saw American Indians as accessible, diverse, and exotic specimens of "less-advanced" peoples.⁵⁵ Anthropologists, animated by the sense that "authentic" Natives were rapidly disappearing in the face of industrialization and modernization, left their comfortable offices to interview elderly Indians and collect artifacts for preservation. The practitioners of "salvage anthropology" believed that their efforts could capture the elements of Native cultures worth saving before Indians succumbed to the government's assimilation programs.⁵⁶ These investigators were primarily concerned with conserving "timeless" Native cultures; however, in the process of interviewing their Indian subjects, ethnologists ineluctably recorded their subjects' historical perspectives on the past.⁵⁷

Professional ethnographers employed an army of bilingual whites and Natives living on

⁵³ Kelman, *A Misplaced Massacre*, 33-42.

⁵⁴ Roberts, "Sand Creek," 710-11.

⁵⁵ Hoxie, *A Final Promise*, 16.

⁵⁶ Hoxie, *Talking Back to Civilization*, 17; Holm, *The Great Confusion in Indian Affairs*, 54.

⁵⁷ Peter Nabokov, *A Forest of Time: American Indian Ways of History* (Cambridge: Cambridge University Press, 2002), 2-11.

reservations to conduct interviews and gather information, which was then forwarded to learned centers for analysis and publication. One such local informant was Pine Ridge physician James R. Walker. When Walker arrived on Pine Ridge in 1896, he brought with him a wealth of experience practicing medicine among Native peoples in the West. Although he espoused the common belief in the superiority of Euro-American medicine, Walker worked with traditional medicine men in his fight against tuberculosis. He thereby gained both their trust and an abiding fascination with indigenous cultures. Walker later explained that he was “determined to know the Indian from the Indian point of view.”⁵⁸ In 1902, Franz Boaz-protégé Clark Wissler, of the American Museum of Natural History in New York, hired Walker to conduct field research on Oglala culture and religion.⁵⁹

As part of his research, Walker interviewed Dewey Beard about Wounded Knee. In addition to his parents, two brothers, and a niece, Beard lost his wife, White Face, and a newborn child on December 29, 1890.⁶⁰ Like his brother Joseph Horn Cloud, Beard remained on Pine Ridge, settling not far from the mass grave in Kyle, South Dakota. In the mid-1890s, Beard traveled with Buffalo Bill’s Wild West Show. By 1896, Beard had added “Dewey” to his name, in honor of Admiral George Dewey.⁶¹ Walker later recalled that Beard’s statement was “in his own words as near as could be,” although Beard, who never learned English, must have first dictated in Lakota, which was then translated by Walker and his assistants.⁶² Sensing a compelling story, Western novelist Rex E. Beach obtained a copy of Walker’s interview with Beard, which Beach published with minor editorial

⁵⁸ Quoted in James R. Walker, *Lakota Belief and Ritual*, eds. Raymond J. DeMallie and Elaine A. Jahner (1980; repr., Lincoln: Bison Books, 1991), 7.

⁵⁹ Walker, *Lakota Belief and Ritual*, 13-33.

⁶⁰ Beard, “The Ghost Dance and Wounded Knee Fight,” n.d., in Walker, *Lakota Society*, 168.

⁶¹ Phillip Burnham, email to author, July 25, 2011; Dewey Horn Cloud Beard, Claim, April 15, 1896, photocopy in Box 3563B, H76.1, SDSHS.

⁶² James R. Walker, interview, November 21, 1906, in Jensen, ed., *The Settler and Soldier Interviews*, 24.

revisions in 1906 in *Appleby's Booklover's Magazine*.⁶³

Western history buffs comprised the second group dedicated to recovering indigenous voices in the late nineteenth and early twentieth centuries. The Lakotas' and Cheyennes' total victory over Colonel George Armstrong Custer and the Seventh Cavalry in the Battle of the Little Bighorn, Montana Territory, on June 25, 1876, presented an intriguing mystery to white enthusiasts: how exactly did Custer die?⁶⁴ Since none of Custer's men survived that day, amateur investigators "scoured the reservations for Indian informants to interview," as they hoped to find missing clues on how the Seventh Cavalry met its fate.⁶⁵ These inquirers were interested primarily in Custer and the Little Bighorn; however, they often stopped to ask their informants about other fights, recording for the first time the "Indian View" of several engagements.⁶⁶

Around the time that Walker interviewed Beard, Nebraska newspaper editor and erstwhile county judge Eli S. Ricker began a lifelong investigation of Wounded Knee and the Indian Wars. During the 1890 excitement over the Ghost Dance, Ricker shared many of the prejudices of whites living on the northern Great Plains, as demonstrated by his signature on a petition by Nebraska citizens demanding that the government disarm the "savages" who threatened white settlers on the Great Plains.⁶⁷ By 1903, however, Ricker's attitudes toward indigenous peoples had dramatically shifted, in part due to his reporting on a white sheriff who killed members of a Lakota hunting party in Wyoming, an event Ricker called the "paleface outbreak." Throughout that year, he wrote several articles on Pine

⁶³ Rex E. Beach, "Wounded Knee," *Appleby's Booklover's Magazine* 7 (January-June 1906): 731-37.

⁶⁴ Michael Elliott, *Custerology: The Enduring Legacy of the Indian Wars and George Armstrong Custer* (Chicago: University of Chicago Press, 2007), 191-223.

⁶⁵ Elliott, *Custerology*, 217.

⁶⁶ Jerome A. Greene, *Lakota and Cheyenne: Indian Views of the Great Sioux War, 1876-1877* (Norman: University of Oklahoma Press, 1994), xxxiii; Elliott, *Custerology*, 220.

⁶⁷ Donald F. Danker, "The Wounded Knee Interviews of Eli S. Ricker," *Nebraska History* 62, no. 2 (Summer 1981): 151.

Ridge issues that incorporated information from Lakota informants. In addition, he probably attended the dedication of the Wounded Knee monument in May 1903. Convinced that the history of the West had been told primarily from the white perspective, Ricker decided to write a book that privileged indigenous voices and those sympathetic to Natives.⁶⁸ On November 30, 1903, Ricker interviewed George E. Bartlett, the owner of a trading store and a post office at Wounded Knee who had witnessed from a distance the events of December 29, 1890. Bartlett was the first of dozens of people—whites, multiracial individuals, and Lakotas—Ricker interviewed over the next several years for the project.⁶⁹

Ricker quickly identified Joseph Horn Cloud as a valuable informant. After hearing that the journalist was looking for him, in late 1903 the survivor wrote Ricker expressing a desire to discuss Wounded Knee. Horn Cloud described Big Foot as a peaceful chief who had complied with the Seventh Cavalry's demand that the Minneconjous give up their guns. "It is not right to kill [a] sick person laying in bed," Horn Cloud argued, referring to the pneumonia-stricken Big Foot. The survivor also described the government's refusal to acknowledge his 1896 compensation claim, and expressed his sense that a formal interview would benefit both Ricker and the remaining members of Big Foot's band. "Mr Ricker I wished a good man [would] help us see about this [compensation] matter," he explained. "I know everything's how this started."⁷⁰ It was not until October 23, 1906, however, that Ricker and Horn Cloud sat down to discuss Wounded Knee.⁷¹ After reading Beach's publication of Walker's Dewey Beard interview, Ricker sought Beard out as well. In February 1907, Ricker

⁶⁸ Danker, "The Wounded Knee Interviews," 152-53; Jensen, ed., *The Indian Interviews*, xv-xvi, 56.

⁶⁹ George E. Bartlett, statement, November 30, 1903, in Jensen, ed., *The Settler and Soldier Interviews*, 27-38. See also Danker, "The Wounded Knee Interviews," 151-243; Susan Forsyth, *Representing the Massacre of American Indians at Wounded Knee, 1890-2000* (Lewiston, NY: The Edwin Mellon Press, 2003), 61-62, 68, 70-71, 73-75, 82-86; Heather Cox Richardson, *Wounded Knee: Party Politics and the Road to an American Massacre* (New York: Basic Books, 2010), 308-11.

⁷⁰ Horn Cloud to Ricker, December 23, 1903, Ricker Collection, NSHS.

⁷¹ Horn Cloud, statement, October 23, 1906, in Jensen, ed., *The Indian Interviews*, 191.

interviewed Beard and Daniel White Lance over several sessions totaling eleven and a half hours, with their brother Horn Cloud acting as translator. The resulting interview remains the most detailed and longest account of Wounded Knee from a Lakota survivor ever recorded.⁷²

As Ricker compiled his interviews, he tentatively entitled his proposed four-volume work *The Final Conflict Between the Red Men and the Pale Faces*, which would examine indigenous culture, religion, and oratory as well as the Indian Wars and Wounded Knee. He eschewed the use of the word “savage” and rejected the notion that “civilized” Euro-Americans—whom he designated “foreigners”—were inherently more advanced and less prone to “barbaric” violence. Whites, in Ricker’s estimation, claimed superiority to assuage their guilt over seizing a continent and committing endless wrongs against the indigenous inhabitants. Ricker was certainly not free from anti-Indian stereotypes, occasionally calling Natives lazy and uneducated, but he foreshadowed the New Western History movement of the 1980s by honestly seeking to understand the settlement of America from the viewpoint of its displaced indigenous inhabitants.⁷³

As for Wounded Knee, Ricker dismissed explanations, offered by the army and its sympathizers, that “treacherous” Indians had fired on the soldiers or that it was simply an unavoidable accident of war.⁷⁴ Rather, he believed the Seventh Cavalry wanted to avenge Custer, and although open to the idea that the soldiers had been drunk, he saw this a poor excuse for what he considered wanton slaughter.⁷⁵ “The disposition to wipe out the band can hardly be questioned,” he concluded in his notes. “The cannon which stood at the north west [*sic*] angle was discharged at an Indian woman escaping

⁷² Beard, interview, February 20, 1907, in Jensen, ed., *The Indian Interviews*, 226; Eli S. Ricker to wife, November 21, 1907, quoted in Danker, ed., “The Wounded Knee Interviews,” 241-42n48.

⁷³ Jensen, ed., *The Indian Interviews*, xvii-xviii. For the seminal New Western History text, see Patricia Nelson Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (1987; repr., New York: Knopf, 1987).

⁷⁴ Ricker, statement, in Jensen, ed., *The Settler and Soldier Interviews*, 16.

⁷⁵ Ricker, statement, in Jensen, ed., *The Settler and Soldier Interviews*, 59, 61, 62.

with her child over the ridge . . . and was killed. This was simply murder.”⁷⁶ Speaking ironically, Ricker concluded that it could “never be denied that the superior race first opened living veins of blood and made corpses for unmerited graves. . . . It was not battle. Nay. It was butchery, it was a crime.”⁷⁷ Unfortunately, Ricker died before completing his magnum opus, but after his death his family donated his priceless collection of interviews—including Horn Cloud’s and Beard’s accounts—to the Nebraska State Historical Society.⁷⁸

Another western history enthusiast who interviewed Wounded Knee survivors in the early twentieth century was Walter Mason Camp, a Chicago-based railroad engineer and editor of the *Railway and Engineering Review*. Beginning in 1903, Camp spent twenty summers interviewing nearly two hundred Native and soldier veterans of the Battle of the Little Bighorn and other significant engagements. He also mapped the memorial landscape of the Indian Wars, visiting over forty sites of significant conflicts and cataloguing which places had commemorative markers and which did not.⁷⁹

Nearly every summer in the 1910s, Camp sought out new eyewitnesses to interview about Wounded Knee. Unlike the meticulous Ricker, Camp never developed a systematic method of taking notes. The engineer instead employed whatever paper he had at hand, sometimes using the backs of envelopes or old telegrams to scribble down his informants’ statements. Camp developed a rudimentary faculty with the Lakota language during his life, although he relied on interpreters for his fieldwork.⁸⁰

⁷⁶ Ricker, statement, in Jensen, ed., *The Settler and Soldier Interviews*, 59.

⁷⁷ Ricker, statement, in Jensen, ed., *The Settler and Soldier Interviews*, 62.

⁷⁸ Jensen, ed., *The Indian Interviews*, xxiii.

⁷⁹ W. M. Camp, “Ghost Dance and Battle of Wounded Knee,” *Winners of the West* 10, no. 11 (October 30, 1933): 4; Jerome A. Greene, “The Uses of Indian Testimony in the Writing of Indian Wars History,” *Journal of the Order of the Indian Wars* 2, no. 1 (Winter 1981): 4; “Register of the Walter Mason Camp Papers, 1905-1925,” accessed June 18, 2013, <http://files.lib.byu.edu/ead/XML/MSS57.xml>.

⁸⁰ Elliott, *Custerology*, 196-97.

In 1912, Camp interviewed survivors on Pine Ridge, including Joseph Horn Cloud.⁸¹ Three years later, the engineer visited the Cheyenne River Reservation, where, using Horn Cloud as a reference, he located additional survivors. He found a reliable translator among them—Jim Long, also known as James E. High Hawk, who in the 1930s would become a leader of the Cheyenne River remnant of Big Foot’s band (see Chapter 4).⁸² Six survivors—Peter One Skunk, Jessie Swift Dog, Alex High Hawk, Charles Blue Arm, Solomon Afraid of Enemy, and Daniel Blue Hair—provided a joint statement written in Lakota to Camp. The engineer included in his notes that Swift Dog desired a translated version of the account sent to him.⁸³ On the backside of the document, Camp wrote “Big Foot Survivor’s [*sic*] Association,” an organization that, as noted above, was formed a few years earlier to facilitate the group’s compensation claims. Camp’s inclusion of this note suggests that One Skunk and the others saw Camp in similar terms as Horn Cloud viewed Ricker—as a potential ally in their pursuit of compensation and justice.⁸⁴ Along these lines, Daniel Blue Hair told the engineer that soldiers “looking for trouble” had ransacked his home and stolen his property while he was away at Pine Ridge in late 1890. Such information that would have been included in a compensation claim.⁸⁵

In spite of Camp’s willingness to hear the “Indian Side” of Wounded Knee, the engineer’s sympathies remained with the Seventh Cavalry throughout his life. In a speech given to the Order of

⁸¹ Joseph Horn Cloud, statement, July 12, 1912, Walter Mason Camp Collection, L. Tom Perry Special Collections, Harold B. Lee Library, Brigham Young University, Provo, Utah.

⁸² Questions for Horn Cloud, Rosebud Reservation Interviews, Summer of 1912, Walter Mason Camp Collection, Manuscripts Department, Lilly Library, Indiana University, Bloomington, Indiana; Cheyenne River Reservation notes, September 1915, Camp Collection, Manuscripts Department, Lilly Library, IU.

⁸³ Peter One Skunk, Jessie Swift Dog, Alex High Hawk, Charles Blue Arm, Solomon Afraid of Enemy, and Daniel Blue Hair, statement, September 1915, Cheyenne River Reservation notes, September 1915, Camp Collection, Manuscripts Department, Lilly Library, IU. Ray DeMallie graciously translated this document at my request.

⁸⁴ One Skunk, Swift Dog, High Hawk, Blue Arm, Afraid of Enemy, and Blue Hair, statement, September 1915, Camp Collection, Manuscripts Department, Lilly Library, IU.

⁸⁵ Cheyenne River Reservation notes, September 1915, Camp Collection, Manuscripts Department, Lilly Library, IU.

the Indian Wars on January 17, 1920, Camp provided an overview of his research to the assembled veterans, an audience that included soldiers who fought at Wounded Knee. Although he acknowledged that neither the soldiers nor the Indians expected a fight and that the Lakotas interpreted the event as the “Big Foot Massacre” (rather than a battle), he argued that “the blunder that started the firing was committed by one of the Sioux, so they admit themselves.” By blaming the fight on the Lakotas, Camp essentially absolved the Seventh Cavalry of responsibility for the carnage that followed.⁸⁶ Within five years of delivering this address, Camp’s health had failed and he died before completing his magnum opus. Recognizing the value of his massive collection, Camp’s fellow “Custerologists” preserved and utilized his papers for their own work. Eventually, Brigham Young University, Indiana University, and the Denver Public Library acquired and preserved portions of the collection—including the interviews with the Wounded Knee survivors—for future researchers.⁸⁷

Recounting Wounded Knee

The written accounts produced by the survivors and their interlocutors—Walker, Ricker, and Camp—all shared a central preoccupation: denying that Big Foot and his followers had been “hostile” against the government in 1890. The prominence of this theme was hardly coincidental, given the Lakotas’ pursuit of compensation within a system that explicitly favored “friendlies” and excluded “hostiles.” The survivors therefore had a clear motivation to counter the army’s official explanations for Wounded Knee. On the other side of the equation, Walker, Ricker, and Camp were aware of the official version, and asked the Lakotas what Walker called the “critical question[s]” regarding the events leading to the killings.⁸⁸ Did believing in the Ghost Dance—especially Wovoka’s teaching that

⁸⁶ “Wounded Knee Indian Side,” Data on Monument and Notes of Battlefield Fight from Indian Side (1910), Camp Collection, Manuscripts Department, Lilly Library, IU; Camp, “Ghost Dance and Wounded Knee,” *Winners of the West*, 4.

⁸⁷ “Register of the Walter Mason Camp Papers, 1905-1925,” accessed June 18, 2013, <http://files.lib.byu.edu/ead/XML/MSS57.xml>.

⁸⁸ Walker, statement, November 21, 1906, in Jensen, ed., *The Settler and Soldier Interviews*, 24.

performing in the dance would transform North America by supernaturally removing white Europeans from it—automatically translate into an actual military conspiracy? Had Big Foot and his followers gone south to Pine Ridge to join Short Bull and the “hostiles” in the Stronghold? Did the warriors resist the disarmament and then treacherously attack the unsuspecting Seventh Cavalrymen? Were the Lakota men responsible for the deaths of their own women and children? Of course, the official version of Wounded Knee answered these questions affirmatively. The interviews provided a platform for the survivors to respond point by point on these “critical questions.”

When compared and contrasted across time, the Lakotas’ accounts provide a window into the survivors’ attempts to recount the terror that doubtless still haunted their memories, as they searched for the best words to articulate Wounded Knee to their auditors. When Walker, Ricker, and Camp entered the Lakota reservations to interview the survivors, they therefore injected themselves into a process of recounting that had been underway since the immediate aftermath of Wounded Knee, as the survivors shared their grief with friends, relatives, and outsiders. As Henry Greenspan argues in regard to Holocaust survivors, the “testimonies” of victims of atrocities should not be seen as fixed and stable accounts, but rather as “provisional and processual . . . retellings” of traumatic events.⁸⁹ One way of answering the “critical questions” may have made sense in 1891, but not in 1906, especially as the Lakotas acquired greater awareness of ways that the army’s version of Wounded Knee carried material ramifications for the survivors’ pursuit of compensation.

When Walker interviewed Beard in the early twentieth century, white Americans had blunt tools for interpreting and categorizing groups that fell outside of traditionally accepted definitions of religious expression. Most Euro-Americans believed that God had providentially founded the United States as a “Christian Nation,” and although the First Amendment protected the diversity of Protestant

⁸⁹ Henry Greenspan, *On Listening to Holocaust Survivors: Beyond Testimony*, 2nd Ed. (New York: Paragon House, 2010), 3, 42.

churches from state oppression, groups outside of the mainstream could not expect much in the way of toleration. In a new republic marked by an expanding economy and a transient population, Americans were constantly guarding against charlatans peddling counterfeit goods and fake religion. Individuals claiming new revelations presented an especially potent challenge to watchmen on the Protestant tower, who quickly condemned “impostors” and sought to undermine “pretended prophets.” Flabbergasted when Americans, ostensibly a smart and discerning people, accepted the claims of alleged deceivers, Protestant defenders claimed that their fellow citizens had been “duped” and suffered from “delusion.” Followers of new prophets were even judged to be mentally ill, or at least “monomaniacs,” insane in their religious choices but otherwise normal.⁹⁰

“Imposters” and “dupes” could be tolerated reluctantly, but “fanatics” posed a sufficient threat to American civil society that violence was often deemed an acceptable response. Since the Reformation, mainstream Protestants distinguished between legitimate challenges to the established religious order—that is, Lutherans and Calvinists who contested ecclesiastical authority but upheld civil government—and illegitimate movements such as the Anabaptists that believed that building God’s Kingdom meant opposing the political order. Protestants in the United States labeled Mormons and other groups dangerous “fanatics” who undermined republican values and therefore did not deserve First Amendment protections.⁹¹ Protestants used these same blunt tools to describe indigenous prophets who posed a substantial threat to white settlers and United States sovereignty. For example, Indiana governor and future president of the United States, William Henry Harrison, condemned the Shawnee prophet Tenskwatawa as an “imposter” and a “pretended prophet,” while enjoining the Delawares to

⁹⁰ J. Spencer Fluhman, *“A Peculiar People”: Anti-Mormonism and the Making of Religion in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 2012).

⁹¹ Dominique Colas, *Civil Society and Fanaticism: Conjoined Histories*, trans. Amy Jacobs (Stanford: Stanford University Press, 1997); Fluhman, *“A Peculiar People.”*

“drive him from among you.”⁹² Americans drew upon these ideas to describe the “Messiah Craze,” labeling Wovoka a “bogus Messiah” and his followers “deluded enthusiasts.” Civil and military authorities argued that the “fanatical” Lakotas, ostensibly confined to reservations, were plotting the greatest indigenous conspiracy against government authority in American history.⁹³

In his interview with Walker, Beard sought to undermine the assumption that all Lakotas were “fanatical” adherents of the Ghost Dance. According to Walker’s translation, a messenger taught Beard’s father, Horn Cloud Senior, that “a Savior for the Indians had appeared to an Indian in the far land of the setting sun,” and had promised to “bring again the buffalo and antelope and send the white man from all the land where the Indians hunted in the old times.” To bring this about, the Indians needed to “dance and pray to this Savior.” Upon investigating the Ghost Dance, Beard witnessed some participants falling into trances and claiming to see the Savior in vision. “But I observed that it was bad Indians and Indians that no one used to pay any attention [to] and the medicine men who saw these things.”⁹⁴ None of Beard’s family experienced these manifestations. “Nothing mysterious [*wakan*] would come to any of my father’s family.”⁹⁵ Walker concluded that “the father of the Horn Clouds was a doubting Thomas in the matter of the new Messiah worship.”⁹⁶ Beard also contended that belief in the Ghost Dance did not automatically render a participant “hostile” to the United States. When soldiers attempted to force Big Foot and his people to cease dancing in early December 1890, Beard

⁹² R. David Edmunds, *The Shawnee Prophet* (Lincoln: University of Nebraska Press, 1983), 47.

⁹³ “Getting Ready to Fight,” *The Daily Critic* (Washington, DC), September 26, 1890; “The Messiah Craze,” *The Inter Ocean* (Chicago, Illinois), November 23, 1890; “They Are Wild,” *Omaha Daily Bee*, November 21, 1890; Nelson A. Miles to Adjutant General, November 28, 1890, M-983, 1:279, 283; Scott L. Pratt, “Wounded Knee and the Prospect of Pluralism,” *Journal of Speculative Philosophy* 19, no. 2 (2005): 150-66; Todd M. Kerstetter, *God’s Country, Uncle Sam’s Land: Faith and Conflict in the American West* (Urbana: University of Illinois Press, 2006), 81-123.

⁹⁴ Beard, “The Ghost Dance and Wounded Knee Fight,” n.d., in Walker, *Lakota Society*, 157.

⁹⁵ Beard, “The Ghost Dance and Wounded Knee Fight,” n.d., in Walker, *Lakota Society*, 158.

⁹⁶ Walker, statement, November 21, 1906, Jensen, ed., *The Settler and Soldier Interviews*, 24.

quoted the Minneconjou chief as saying that simply dancing harmed no one. Although Big Foot initially defended his people's right to dance, news of trouble in Sitting Bull's camp caused the chief to reconsider. "We will go back to our camp," Beard remembered Big Foot telling his followers, "so the Great Father will know we do not belong to the bad Indians." When troops demanded that Big Foot surrender, the chief complied and insisted that his people "were not hostiles."⁹⁷

The second "critical question" addressed by the survivors was why Big Foot's band had left their Cheyenne River homes and moved south to Pine Ridge in late December 1890. Army officials argued at the time that Big Foot intended to join the other "hostiles" in the Badlands, likely to consolidate forces for the alleged conspiracy.⁹⁸ Horn Cloud and Beard countered this argument in their interviews with Walker and Ricker. They explained that Red Cloud and other Oglala leaders had invited Big Foot—who was known as a peacemaker and skilled negotiator—to visit Pine Ridge in hopes the Minneconjou chief could use his influence to convince the Ghost Dancers in the Badlands to surrender. If successful, the Oglalas would give Big Foot one hundred horses.⁹⁹ The earliest Lakota accounts of Wounded Knee, dating to early 1891, referenced this invitation.¹⁰⁰ According to Horn Cloud, Big Foot was initially reluctant to leave his home or to make any movement that would alarm the soldiers. However, a local rancher named John Dunn, known to the Lakotas as Red Beard or Red Whiskers, warned Big Foot on December 23 that troops intended to arrest his warriors and remove

⁹⁷ Beard, "The Ghost Dance and Wounded Knee Fight," n.d., in Walker, *Lakota Society*, 158-59.

⁹⁸ Ostler, *The Plains Sioux and U.S. Colonialism*, 333.

⁹⁹ Beard, "The Ghost Dance and Wounded Knee Fight," n.d., in Walker, *Lakota Society*, 160-61; Horn Cloud, statement, October 23, 1906, Jensen, *The Indian Interviews*, 195; Beard, statement, February 20, 1907, Jensen, *The Indian Interviews*, 209.

¹⁰⁰ Frog, statement, January 7, 1891, "Report of Investigation into the Battle at Wounded Knee Creek, South Dakota, Fought December 29th, 1890," February 4, 1891, 65, *Reports And Correspondence Relating To The Army Investigations Of The Battle At Wounded Knee And To The Sioux Campaign Of 1890-1891* (Washington, DC: Government Printing Office, 1975), M983-1, 2: 717; Elks Saw Him, statement, January 7, 1891, Jensen, ed., *The Indian Interviews*, 131; "The Indian Version of the Fight at Wounded Knee," *Wichita (KS) Daily Eagle*, January 17, 1891.

them from the reservation. With his warriors intent on fleeing to Pine Ridge, the chief conceded. The Lakotas slipped away from the soldiers and commenced their fateful journey south.¹⁰¹

In their interviews, the survivors argued that their conduct between Cheyenne River and Pine Ridge had been peaceful. Beard explained to Ricker that Big Foot had instructed the people to take their cattle with them. “We never thought of fighting or war, therefore [we] had brought our cattle along.” Soon after leaving Cheyenne River, Big Foot contracted pneumonia, which slowed their movement. As they approached Pine Ridge, the chief sent messengers to inform the agency that the band “came not secretly, but openly and peaceably.” The messengers returned with the news that the Ghost Dancers had abandoned the Badlands and were slowly coming in to the agency. Red Cloud wanted Big Foot to hurry in order to participate in the final negotiations.¹⁰² On December 28, the Lakotas saw soldiers approaching and raised a white flag to signal their peaceful intentions.¹⁰³ Major Samuel M. Whitside of the Seventh Cavalry parlayed with Big Foot, who was bleeding from his nose. Whitside explained that he had heard the Minneconjous were a war party, but that Big Foot had convinced him they were peaceful. Horn Cloud quoted the chief: “My great fathers were all friendly to the white people and died in peace, and I want to do the same.” Big Foot also explained that Red Cloud had invited him to help broker a peace deal. When Whitside demanded that the Lakotas surrender twenty-five guns, Big Foot stated his willingness to cooperate, but asked that they wait until they arrived at the agency to give up their weapons. The people feared the soldiers might kill them once they

¹⁰¹ Beard, “The Ghost Dance and Wounded Knee Fight,” n.d., in Walker, *Lakota Society*, 159-60; Horn Cloud, statement, October 23, 1906, Jensen, ed., *The Indian Interviews*, 194-95; Beard, statement, February 20, 1907, Jensen, ed., *The Indian Interviews*, 212-23; Andrew Good Thunder, statement, July 12, 1912, 9-10, Camp Collection, Manuscripts Division, Lilly Library, IU.

¹⁰² Beard, statement, February 20, 1907, Jensen, ed., *The Indian Interviews*, 214; Good Thunder, statement, July 12, 1912, 13, Camp Collection, Manuscripts Division, Lilly Library, IU.

¹⁰³ Horn Cloud, statement, October 23, 1906, Jensen, ed., *The Indian Interviews*, 196; Beard, statement, February 20, 1907, Jensen, ed., *The Indian Interviews*, 216.

were disarmed and defenseless. Whitside, unsure how to proceed, ordered the Lakotas to camp near Wounded Knee for the night. Colonel James W. Forsyth subsequently arrived and assumed command of the Seventh Cavalry.¹⁰⁴

The next morning, Forsyth commanded the Lakota warriors to assemble a short distance away from the main camp and he repeated the demand that they surrender their weapons. At Big Foot's urging, most of the warriors readily complied. Forsyth, dissatisfied with the number of guns produced, ordered his men to search the camp and the women for any hidden weapons. To Walker, Beard admitted that he had buried his gun with the intention of retrieving it later, while four or five the young warriors, reluctant to give up their expensive hunting rifles, concealed them under blankets.¹⁰⁵ Forsyth then stated that he would punish the warriors for not complying with the initial order to disarm the day previous by having his men hold unloaded guns in front of the warriors. This unexpected declaration, coupled with interpreter Philip Wells' poor translation, caused considerable excitement among the Lakotas. Beard told Ricker that the warriors "reasoned among themselves and said they were human beings and not cattle to be used that way. They said they did not want to be killed like dogs. 'We are people in this world.'"¹⁰⁶

For Walker, the most important "critical question" was how the shooting began—"the spark from which the flame arose."¹⁰⁷ The survivors were likewise anxious to clarify this controversial point.

¹⁰⁴ Horn Cloud, statement, October 23, 1906, Jensen, ed., *The Indian Interviews*, 197-98; Beard, "The Ghost Dance and Wounded Knee Fight," n.d., in Walker, *Lakota Society*, 161; Beard, statement, February 20, 1907, Jensen, ed., *The Indian Interviews*, 216.

¹⁰⁵ Beard, "The Ghost Dance and Wounded Knee Fight," n.d., in Walker, *Lakota Society*, 163-64; Good Thunder, statement, February 12, 1912, 25, Camp Collection, Manuscripts Division, Lilly Library, IU; One Skunk, Swift Dog, High Hawk, Blue Arm, Afraid of Enemy, and Blue Hair, statement, September 1915, Camp Collection, Manuscripts Department, Lilly Library, IU.

¹⁰⁶ Beard, "The Ghost Dance and Wounded Knee Fight," n.d., in Walker, *Lakota Society*, 164; Horn Cloud, statement, October 23, 1906, Jensen, ed., *The Indian Interviews*, 199; Beard, statement, February 20, 1907, Jensen, ed., *The Indian Interviews*, 218-19.

¹⁰⁷ Walker, interview, November 21, 1906, in Jensen, ed., *The Settler and Soldier Interviews*, 24.

As discussed in Chapter 1, Major Whitside had testified in the January 1891 court of inquiry that Lakota warriors had fired fifty shots before the unsuspecting troops could respond.¹⁰⁸ The earliest Lakota accounts of Wounded Knee conceded that “a crazy man, a young man of very bad influence, and in fact a nobody among that bunch of Indians” had fired the first shot. They insisted that the soldiers answered this single shot with an overwhelming volley that killed the majority of the unarmed Lakota men.¹⁰⁹ Mature Lakota leaders often branded young warriors as “crazy” or bad,” when they, desiring to prove their bravery and manhood, acted imprudently and without the approval of their elders.¹¹⁰ By invoking this image, Lakotas in the aftermath of Wounded Knee argued that Big Foot and other leaders had not approved the warrior’s decision to fire his gun.

Anticipating white interpreters who would seize upon these early accounts as evidence that the Lakotas accepted the blame for starting the fight, the survivors attempted to soften their depiction of the young warrior in their interviews with Walker, Ricker, and Camp. Beard acknowledged to Walker that two young men—Black Fox and Yellow Turtle—did not want to surrender their weapons. Beard indicated that, although they initially hid their guns, during the disarmament the two young warriors displayed them openly. Furthermore, Black Fox and Yellow Turtle offered to “give up all their cartridges” and “carry their guns empty.” When soldiers approached them to forcibly confiscate the rifles, Yellow Turtle warned them: “My friends, do not come to me in that way for I do not want to hurt you,” while Black Fox declared that he would die before giving up his gun. During the confrontation, a rifle went off, which the soldiers answered by shooting into the Lakota men.¹¹¹

¹⁰⁸ Maj. Samuel M. Whitside, testimony, January 7, 1891, “Report of Investigation,” 11-12, M983-1, 2:663-64.

¹⁰⁹ Frog, statement, January 7, 1891, “Report of Investigation,” 65, M983-1, 2: 717; Elks Saw Him, statement, January 7, 1891, Jensen, ed., *The Indian Interviews*, 131; “The Indian Version of the Fight at Wounded Knee,” *Wichita (KS) Daily Eagle*, January 17, 1891; quote in “The Wounded Knee Fight,” (*NY Sun*), February 12, 1891.

¹¹⁰ Hassrick, *The Sioux*, 73-74.

¹¹¹ Beard, “The Ghost Dance and Wounded Knee Fight,” n.d., in Walker, *Lakota Society*, 164-65. See also, Good

In their interviews with Ricker, Horn Cloud and Beard added another important detail—Black Fox (or Black Coyote, as Ricker recorded the name) was apparently hearing impaired. “This man who was deaf,” Horn Cloud explained, “had been holding up his own gun, [saying] that it had cost him a good deal of money, that if anybody wanted it he must pay for it, for he would not give it up without pay.” When soldiers attempted to wrestle the gun away, it went off, precipitating the troops’ volley.¹¹²

At first blush, it would appear that Horn Cloud and Beard had conveniently “remembered” a detail that substantially undermined the official account of “treacherous” warriors attacking troops unawares. None of the Lakotas who gave prior statements had mentioned that the warrior was deaf. However, Seventh Cavalryman Theodore Ragnar, who fought at Wounded Knee, confirmed Horn Cloud’s and Beard’s claim. After being injured during the Drexel Mission fight of December 30, 1890, Ragnar returned to his native Sweden. In 1894, he recorded his memories of Wounded Knee.¹¹³ Ragnar harbored no sympathies for the Lakotas, describing them as “the most satanic, hang-dog physiognomies I ever was unlucky enough to meet.” He recalled seeing “a selection of the worst characters in the Sioux nation . . . masters of deceit and cunning who regarded death as an offering at the altar of their hatred of the whites.”¹¹⁴ Despite this invective, Ragnar described the disarmament scene in much the same way as Horn Cloud and Beard: “A deaf warrior was on his way to the pile of weapons in front of the colonel when two soldiers intervened and brutally wrenched the loaded weapon from the young man’s hands.” An unexpected discharge ensued, followed by the soldiers’ “destroying

Thunder, statement, February 12, 1912, 27-29, Camp Collection, Manuscripts Division, Lilly Library, IU.

¹¹² Horn Cloud, statement, October 23, 1906, Jensen, ed., *The Indian Interviews*, 200; Beard, statement, February 20, 1907, Jensen, ed., *The Indian Interviews*, 219.

¹¹³ Christer Lindberg, ed., “Foreigners in Action at Wounded Knee,” *Nebraska History* 71, no. 4 (Fall 1990): 171.

¹¹⁴ Lindberg, ed., “Foreigners in Action at Wounded Knee,” *Nebraska History* 71, no. 4 (Fall 1990): 174.

and appalling . . . bullet rain” that struck “the Indian mob.”¹¹⁵ Portraying the young warrior as deaf and confused, rather than “treacherous,” substantially altered how the lead up to Wounded Knee would be remembered.

Perhaps realizing that whites would continue to blame the outbreak of fighting on the young warrior, even with the additional information provided by Horn Cloud and Beard, Camp’s informants on the Cheyenne River Reservation went even further to undermine the official version of the disarmament. Evidently, the Cheyenne River-based Big Foot Survivors Association had developed a tradition for narrating Wounded Knee that was distinct from that of Horn Cloud and the Pine Ridge group. In their 1915 Lakota-language statement, One Skunk, Swift Dog, High Hawk, Blue Arm, Afraid of Enemy, and Blue Hair omitted the story of the young warrior altogether. These Lakotas argued that all of the warriors had surrendered their weapons. “As soon as they had done this a whistle blew and all the soldiers loaded their guns. Immediately an officer mounted on a bay horse ordered them to shoot. They shot their guns.”¹¹⁶ John Makes Long, the Survivors Association delegate whose 1912 Court of Claims brief was discussed above, presented a similar scenario. The “men had laid down everything they had in the nature of arms, even to their awls,” Long argued. “The officer on the knoll was heard to give an order at which the soldiers dropped their guns on their arms and threw in a shell. . . . The soldiers fired, killing many of the men, women and children of Big Foot’s band.” Long referenced Horn Cloud as “an English speaking Indian” who had understood the officer’s command for his men to fire.¹¹⁷ It is possible that these Cheyenne River survivors omitted the deaf Indian simply because they believed whites simply used the story to justify the soldiers’ subsequent actions.

¹¹⁵ Lindberg, ed., “Foreigners in Action at Wounded Knee,” *Nebraska History* 71, no. 4 (Fall 1990): 176.

¹¹⁶ One Skunk, Swift Dog, High Hawk, Blue Arm, Afraid of Enemy, and Blue Hair, statement, September 1915, Camp Collection, Manuscripts Department, Lilly Library, IU.

¹¹⁷ Long, brief, 1912, copy in High Hawk to Nelson, April 2, 1924, 7, Sioux Miscellany Manuscripts, SDSHS.

The survivors also addressed the soldiers' allegation that a Ghost Dance medicine man had promised the warriors that their Ghost Shirts would protect them from the troop's bullets and had thrown dirt into the air as a signal for the Lakotas to fire on the troops.¹¹⁸ A few survivors acknowledged in 1891 that during the disarmament the medicine man had performed a Ghost Dance ceremony and addressed a group of young warriors, although these Lakotas could not hear what the man had said.¹¹⁹ Beard told Walker that his skeptical father, Horn Cloud Senior, had challenged the Ghost Dancer to plead with the Messiah to protect them from the soldiers. The medicine man reluctantly "began to cry to the Great Spirit, and gathered up a handful of dust and threw it towards the sky, and waved his blanket under the dust, as they did in the ghost dance when they call for the Messiah." This happened simultaneously with the soldiers' attempted seizure of the young warriors' guns, but in Beard's recounting to Walker, the two events were unconnected.¹²⁰ Horn Cloud told Ricker essentially the same story.¹²¹

The survivors' interviews affirmed that the soldiers hunted down and killed Lakota men, women, and children, negating the Seventh Cavalry's claim that the deaths were accidental (see Chapter 1). The troops' initial volley killed most of the Lakota men, followed by a brief but fierce fight at close quarters. Beard in particular showed great valor, receiving multiple wounds and killing four soldiers.¹²² The troops then pursued the fleeing Lakotas. Horn Cloud explained to Ricker that "women

¹¹⁸ Whitside, testimony, January 7, 1891, "Report of Investigation," 7-8, M983-1, 2:659-60; P.F. Wells, testimony, January 11, 1891, "Report of Investigation," 60-62, M983-1, 2:712-14.

¹¹⁹ Help Them, statement, January 7, 1891, "Report of Investigation," 67, M983-1, 2:719. See also Frog, statement, January 7, 1891, "Report of Investigation," 66, M983-1, 2:717 and Elks Saw Him, statement, January 7, 1891, Jensen, ed., *The Indian Interviews*, 132.

¹²⁰ Beard, "The Ghost Dance and Wounded Knee Fight," n.d., in Walker, *Lakota Society*, 164-65.

¹²¹ Horn Cloud, statement, October 23, 1906, Jensen, ed., *The Indian Interviews*, 200-201.

¹²² Beard, "The Ghost Dance and Wounded Knee Fight," n.d., in Walker, *Lakota Society*, 165-68; Horn Cloud, statement, October 23, 1906, Jensen, ed., *The Indian Interviews*, 201-202; Beard, statement, February 20, 1907, Jensen, ed., *The Indian Interviews*, 219-25.

were killed in the beginning of the fight just the same as the men were killed. Women who were wounded and had babies dug hollow places in the bank and placed the little things in them for safety . . . some women were found lying dead with dead infants on their breasts; one mother lay dead; her breast covered with blood from her wound, and her little child was standing by her and nursing.”¹²³ Beard told Ricker that some Lakotas had found refuge in a nearby ravine, but the soldiers stood on the banks and fired into crowds of women and children. Hotchkiss guns stationed on an accompanying hill rained shells onto the helpless people.¹²⁴ Remarkably, Horn Cloud escaped unscathed, although Beard and White Lance were badly wounded. Their parents, two brothers, female cousin, and Beard’s wife were all killed, while Beard’s newborn son died the following March.¹²⁵

In seeking to explain the soldiers’ actions, Horn Cloud argued that the troops had been drinking. However, the survivor did not condemn all the cavalymen. Captain George D. Wallace, according to Horn Cloud’s interview with Ricker, learned that the young Lakota spoke English and pulled him aside during the disarmament. “Joseph, you better go over to the women and tell them to let the wagons go and saddle up their horses and be ready to skip, for there is going to be trouble; for that officer [either Forsyth or Whitside] is half shot,” a common nineteenth-century euphemism for intoxication.¹²⁶ Walker, based on his interview with Beard, was likewise convinced that “intoxicants had an undue effect in producing the result of the disarmament.”¹²⁷ As Ricker listened to the survivors

¹²³ Horn Cloud, statement, October 23, 1906, Jensen, ed., *The Indian Interviews*, 201.

¹²⁴ Beard, statement, February 20, 1907, Jensen, ed., *The Indian Interviews*, 220-25.

¹²⁵ Beard, “The Ghost Dance and Wounded Knee Fight,” n.d., in Walker, *Lakota Society*, 168; Horn Cloud, statement, October 23, 1906, Jensen, ed., *The Indian Interviews*, 203; Beard, statement, February 20, 1907, Jensen, ed., *The Indian Interviews*, 226.

¹²⁶ Horn Cloud, statement, October 23, 1906, Jensen, ed., *The Indian Interviews*, 200; Jonathan Green, *Cassell’s Dictionary of Slang*, 2nd ed. (London: Weidenfeld & Nicholson, 2005), 670.

¹²⁷ Walker, statement, November 21, 1906, in Jensen, ed., *The Settler and Soldier Interviews*, 25.

describe the events leading to the carnage, he scrawled: “Forsyth must have been drunk!”¹²⁸ In addition to alcohol, Horn Cloud argued that the friendly fire had killed many of the troops.¹²⁹

When taken together, the interviews with Walker, Ricker, and Camp provided a means for survivors to challenge the official version of Wounded Knee. A central preoccupation in the accounts was contesting the notion that Big Foot and his band had been “hostile” in 1890. At the conclusion of his interview with Walker, Beard noted a bitter irony: “When Big Foot was in the badlands we were very much closer to the camp of the hostile Indians than we were to the agency,” he explained. “I sometimes think that if we had all gone and joined the hostiles instead of trying to go to the agency, my people would not have been shot down like wolves.”¹³⁰ In short, their decision *not* to join the “hostiles” had led to Wounded Knee. Although they were unable to change the past, the survivors in their interviews attempted to alter how whites *remembered* that past, and perhaps, in the process, improve their chances of obtaining justice for their losses at Wounded Knee.

Truth Telling as Reparation

Walker, Ricker, and Camp, in varying degrees, were sympathetic interlocutors for the survivors. However, none of the three had fulfilled Horn Cloud’s hope of aiding the survivors’ pursuit of compensation. Closer to the ideal was ethnographer Melvin R. Gilmore, who publically critiqued the first major interpretation of Wounded Knee intended for the silver screen: William “Buffalo Bill” Cody’s 1913 film, *The Indian Wars*. Cody, believing he could rejuvenate his lagging career with the new moving pictures, obtained permission from the War Department to use actual soldiers in the film and asked General Nelson A. Miles and other retired army officers to serve as historical consultants. The War Department agreed, assuming the film would positively portray the army and its contributions

¹²⁸ Beard, statement, February 20, 1907, Jensen, ed., *The Indian Interviews*, 219.

¹²⁹ Horn Cloud, statement, October 23, 1906, Jensen, ed., *The Indian Interviews*, 201.

¹³⁰ Beard, “The Ghost Dance and Wounded Knee Fight,” n.d., in Walker, *Lakota Society*, 168.

to the “Winning of the West.” The Interior Department also approved Cody’s request to shoot the film on Pine Ridge and to hire Lakotas—including some Wounded Knee survivors—to portray Big Foot’s band. The Interior Department granted permission on the condition that Cody end the film with scenes of Indians attending school, using farming equipment, and driving cars, reflecting the belief that the violence of Wounded Knee was a necessary prelude to the Indians’ adoption of “civilization.”¹³¹

Cody experienced some difficulties with Miles in the representation of Wounded Knee itself. “I have always considered that tragedy as unwarranted and unjustifiable,” the retired general explained to Pine Ridge Agent John R. Brennan. “I desire to inform you that I have not nor will I take part in the affair, and I am decidedly of the opinion that it is not in the public interest, or for the welfare of the Indians, to have such exhibition presented.”¹³² To appease Miles, Cody recast Wounded Knee as “Big Foot’s Last Charge,” with mounted and fully armed Lakota warriors attacking an equal number of cavalymen. The showman also opted against portraying women and children being killed.¹³³ Ironically, Miles’ opposition forced Cody to represent Wounded Knee as a heroic victory over “treacherous savages”—the Seventh Cavalry’s interpretation—rather than, as Miles himself had long insisted, as a massacre of innocent women and children.

Melvin R. Gilmore, who witnessed the filming, had previously conducted numerous interviews with indigenous peoples in his capacity as curator of the Nebraska State Historical Society and doctoral candidate at the University of Nebraska.¹³⁴ According to Gilmore, the Indians held him in such high

¹³¹ L.G. Moses, *Wild West Shows and the Images of American Indians, 1883-1933* (Albuquerque: University of New Mexico Press, 1996), 228-29.

¹³² Lieut. Gen. Nelson A. Miles to John R. Brennan, October 12, 1913, in Brennan Scrapbook, 279, John R. Brennan Collection, SDSHS.

¹³³ Mrs. John Brennan to Ruth Hill, October 1913, John R. Brennan Family Papers, SDSHS; “Sioux Indians Go To Washington With a Grievance,” *(NY) World*, November 30, 1913; Andrea I. Paul, “Buffalo Bill and Wounded Knee: the Movie,” *Nebraska History* 71, no. 4 (Winter 1990): 183-90, picture on 187.

¹³⁴ Robert L. Welsch, “Introduction,” in Melvin R. Gilmore, *Prairie Smoke* (1929; Repr., St. Paul, MN: Minnesota Historical Society, 1987), xiv, xviii, xxi.

esteem that they called him “the man who writes things as we tell him.”¹³⁵ During the mid-October 1913 filming, Gilmore described “grief stricken” Lakotas “pointing out the places where their relatives had fallen and setting up their piteous wails.”¹³⁶ As the reenactment commenced, the Lakota survivors “ventured opinions as to their remembrance of the ways things had happened, [but] they were silenced and hustled into line by the picture manipulators.” The survivors complained to Gilmore that Cody had put guns in their hands and had made the number of warriors and soldiers equal, when in reality the Lakotas had been unarmed and significantly outnumbered. Additionally, “No woman [*sic*] or children were killed in the picture making, but in reality, the field after the battle in 1890 was strewn with dead women and children.”¹³⁷

Gilmore interviewed Horn Cloud and Beard on October 24 and 27, 1913.¹³⁸ The accounts were shorter than those given to Walker, Ricker, and Camp, and for the most part contained nothing new. Unlike his earlier account, however, Horn Cloud located the origins of his people’s troubles not in 1890, but to the Treaty of Fort Laramie of 1868, the 1874 Black Hills Treaty, and the Agreement of 1888 that divided the Great Sioux Reservation. This likely reflected Horn Cloud’s work with the Black Hills Claims Council, which had been seeking since the early 1890s to obtain justice for the loss of the Black Hills, and it represented an early attempt to situate Wounded Knee within the longer history of treaties with the United States. Horn Cloud also showed Gilmore a picture of the snow-blanketed dead

¹³⁵ Melvin R. Gilmore, “The Truth of the Wounded Knee Massacre,” *The American Indian Magazine: The Quarterly Journal of the Society of American Indians* 5, no. 4 (October-December 1917): 241.

¹³⁶ Gilmore, “The Truth of the Wounded Knee Massacre,” *The American Indian Magazine* 5, no. 4 (October-December 1917): 241.

¹³⁷ Gilmore, “The Truth of the Wounded Knee Massacre,” *The American Indian Magazine* 5, no. 4 (October-December 1917): 241.

¹³⁸ Joe Horncloud, interview, October 24, 1913, in Gilmore, “The Truth of the Wounded Knee Massacre,” *The American Indian Magazine* 5, no. 4 (October-December 1917): 242-48. No manuscript of Horn Cloud’s testimony has been located. Dewey Beard, interview, October 27, 1913, Gilmore Notebook, Gilmore Collection, NSHS. The printed version of Beard’s testimony is misdated as November 27, 1913, and is given under Beard’s Lakota name, Iron Hail (Gilmore, “The Truth of the Wounded Knee Massacre,” *The American Indian Magazine* 5, no. 4 [October-December 1917]: 248-51).

on the Wounded Knee field and identified a prone figure as his dead brother.¹³⁹

Mary Mousseau provided a female survivor's perspective to Gilmore on October 29. On the night before the massacre, the soldiers initially refused the women's requests to obtain water, but finally allowed them to go in pairs with a soldier escort. The next morning, after the men were called to the circle and soldiers demanded their weapons, "the women brought some guns to the place where the officers stood." She then described the soldiers' search for weapons in the camp and their behavior toward the women, relating that "a soldier lifted me up and felt all over me in the search." Her husband was killed in the soldiers' initial volley, and Mousseau's little girl was shot soon thereafter. As she fled with the other women, a soldier's bullet broke her arm above the elbow. Her baby boy, who was strapped to her back, was killed by another bullet. Mousseau and her wounded mother remained near the field until mid-January 1891, surviving only on water. When Indian scouts found them, Mousseau was "very weak and thin" and her clothes were "caked with dried blood."¹⁴⁰

After taking the survivors' statements, Gilmore caused a firestorm when he reported the Lakotas' complaints and accounts to the press.¹⁴¹ In a paper delivered to the Nebraska State Historical Society's annual meeting held from January 20-22, 1914, Gilmore discussed his interviews.¹⁴² He

¹³⁹ Gilmore, "The Truth of the Wounded Knee Massacre," *The American Indian Magazine* 5, no. 4 (October-December 1917): 242; "Joseph Horn Cloud," *The Indian Sentinel*, 333; Ostler, *The Lakotas and the Black Hills*; Gonzalez and Lynn-Cook, *The Politics of Hallowed Ground*.

¹⁴⁰ Mary Mousseau, interview, October 29, 1913, Gilmore Notebook, Gilmore Collection, NSHS; Mrs. Mosseau [sic], interview, October 29, 1913, in Gilmore, "The Truth of the Wounded Knee Massacre," *The American Indian Magazine* 5, no. 4 (October-December 1917): 251-52. Otto Chief Eagle acted as interpreter.

¹⁴¹ "Maj. Gen. Lee Here; Not in Wounded Knee Sham," *Omaha World-Herald*, October 23, 1913, 4; "Wounded Knee 'Movies' Said to be Defective," *Omaha World-Herald*, November 4, 1913, 2; "Criticizes Battle Films," *Sioux City Journal*, November 4, 1913; "Sioux Indians Go To Washington With a Grievance," *(NY) World*, November 30, 1913; "'Movies' Portrayal of Wounded Knee is Again Revived," *Rapid City (SD) Daily Journal*, January 10, 1914, in Brennan Scrapbook, 309, Brennan Collection, SDSHS. See also Lieut. Gen. Nelson A. Miles to John R. Brennan, October 12, 1913, in Brennan Scrapbook, 279, Brennan Collection, SDSHS; Frank Baldwin to John Brennan, December 6, 1913, Brennan Scrapbook, 31, Brennan Collection, SDSHS; John Brennan to Nelson A. Miles, December 6, 1913, Brennan Scrapbook, 312, Brennan Collection, SDSHS.

¹⁴² Gilmore, "The Truth of Wounded Knee," *The American Indian Magazine* 5, no. 4 (October-December 1917): 241; *Publications of the Nebraska State Historical Society* 18 (1917): 290; "Lincoln News Notes," *Omaha World-Herald*,

argued “that the Indians were greatly wronged in this massacre and the least that can be done in reparation is to tell the truth in history,” a not-so-subtle reference to the film’s skewed representation of Wounded Knee.¹⁴³ He published his paper and the survivors’ statements in the *Lincoln Daily Star*, and three years later, the Society of American Indians reprinted it in their magazine.¹⁴⁴

Inspired by Gilmore’s activism on their behalf, Horn Cloud and Beard sought permission to lead a delegation representing the Wounded Knee survivors to Washington, D.C.¹⁴⁵ The *Red Cloud Chief* reported in April 1914 that Horn Cloud and Beard’s delegation would officially protest the movie, by arguing that “it was a ‘massacre,’ and not a ‘battle,’ that women and children were killed, that the Indians were disarmed and in lesser numbers than the soldiers by more than half, whereas in the picture whites and reds are in equal numbers and the Indians are shown armed and in war paint.”¹⁴⁶ Whether the delegation actually filed their complaints in the nation’s capital remains unclear. Although it has been suggested that the government suppressed the film, which was shown in few theaters across the country, most scholars believe that the film failed because of its length (two and a half hours), anticlimactic ending (with the Indians in schools), and Buffalo Bill’s declining popularity.¹⁴⁷ The controversy surrounding the filming, however, demonstrated the survivors’ willingness to publicly challenge popular representations of Wounded Knee.

January 26, 1914, 3.

¹⁴³ Gilmore, “The Truth of Wounded Knee,” *The American Indian Magazine* 5, no. 4 (October-December 1917): 242.

¹⁴⁴ Gilmore, “The Truth of Wounded Knee,” *The American Indian Magazine* 5, no. 4 (October-December 1917): 240-52.

¹⁴⁵ John R. Brennan to CIA, March 10, 1914, Letters Sent to the Commissioner of Indian Affairs, January-April 1914, 221, RG 75, NARA-KC.

¹⁴⁶ “Claim Movies Misrepresenting,” *Red Cloud (NB) Chief*, April 2, 1914, 6.

¹⁴⁷ Moses, *Wild West Shows and the Images of American Indians*, 243-44; Louis S. Warren, *Buffalo Bill’s America: William Cody and the Wild West Show* (New York: Knopf, 2005), 538-40.

Looking for Some Relief and Redress from the Government

The Lakotas' protest over *The Indian Wars*, combined with the deteriorating economic conditions of the survivors, led Horn Cloud and Beard to renew their efforts to claim compensation for Wounded Knee. Perhaps discouraged by the Indian Office's rejection of their previous claims for lost property under the 1891 act, the Lakotas in the late 1910s argued that the government had an obligation to support the survivors financially, especially those with lingering injuries incurred at Wounded Knee. In 1917 and in 1920, Horn Cloud and Beard led delegations to Washington, D.C., where they presented their claims in person to government officials. They also recruited retired Lieutenant General Nelson A. Miles, who finally fulfilled Horn Cloud's ideal of a powerful white ally who would support their claims. Despite pursuing alternate arguments, Indian Office bureaucrats continued to interpret the survivors' claims within the confines of the 1891 act and the "friendly"/"hostile" binary.

During the 1910s, the economic situation on the Lakota reservations worsened, stemming from unintended consequences of the government's assimilation program of allotment. As discussed in the Introduction, the General Allotment Act of 1887 divided reservations into one hundred and sixty acre plots, which were then assigned to Indian household heads. During a twenty-five year trust period, the Indian Office would teach the Indians how to farm in preparation for eventual ownership of the land, self-sufficiency, and productive citizenship. "Surplus" reservation land would then be sold off.¹⁴⁸ Policymakers, under pressure to expedite the opening of "surplus" lands to white speculator, passed the Burke Act of 1906, which empowered the Secretary of the Interior to truncate the trust period for those Natives deemed "competent" to manage their own affairs. In theory, this mechanism would allow educated Indians to bypass the twenty-five year waiting period, obtain fee-simple title, and develop or

¹⁴⁸ Hoxie, *A Final Promise*, 147-87.

sell their allotments as they saw fit.¹⁴⁹ In the 1910s, however, the Indian Office defined “competency” loosely and declared thousands of unprepared Indians “competent,” abandoned the new citizens to market vicissitudes, with intense pressure to sell their land. The one-time profit from a land sale provided temporary relief, but did little to alleviate grinding poverty on the reservations.¹⁵⁰

Obtaining citizenship also meant the revocation of wardship status, which many reformers saw as a victory over paternalism, but it also meant that the newly christened Indian citizen no longer received treaty-guaranteed rations. These changes to allotment policies adversely impacted Wounded Knee survivors, many of whom had been crippled in the massacre and were unable to find regular employment. In 1916, Daniel White Lance received fee-simple title to his allotment, was granted citizenship, and cut off from receiving rations. The forty-eight-year-old survivor was the primary means of support for his wife, Julia, and their three children, Susie (15), Lucy (12), and John (9).¹⁵¹ At Wounded Knee, White Lance received three bullet-wounds in his right leg and another wound on his head. Although he lived, White Lance’s wounds never properly healed, causing him to rely on crutches thereafter.¹⁵² In order to pay mounting medical bills, White Lance reluctantly obtained a patent-in-fee for his allotment in 1916, which he promptly sold. The decision relieved some of the debt, but rendered the recently naturalized White Lance ineligible to draw rations for his family. In dire straits, White Lance sought help from his younger brother, Joseph Horn Cloud. Horn Cloud spoke with Kyle Farmer

¹⁴⁹ Hoxie, *A Final Promise*, 220.

¹⁵⁰ DeMallie, “Pine Ridge Economy,” 257-60; Janet McDonnell, “Competency Commissions and Indian Land Policy, 1913-1920,” *South Dakota History* 11 (Winter 1980): 21-34; Lazarus, *Black Hills, White Justice*, 125-27.

¹⁵¹ Indian Census Rolls, Pine Ridge Agency, 1916, p. 151, M595_370, accessed December 20, 2012, *U.S., Indian Census Rolls, 1885-1940* [database on-line]. Provo, UT, USA: Ancestry.com Operations Inc, 2007.

¹⁵² Horn Cloud, statement, October 23, 1906, in Jensen, ed., *The Indian Interviews*, 201; Hearing Record, March 10, 1917, 1, photocopy in Application for Rations, Wounded Knee Injury 1917, Archives and Special Collections, University Libraries, USD.

Leonard L. Smith, who controlled the distribution of rations, but local officials would do nothing.¹⁵³

Recognizing that other Wounded Knee survivors were suffering under similar conditions, Horn Cloud and his brother, Dewey Beard, visited the nation's capital in March 1917 at their own expense and lobbied Indian Office bureaucrats directly.¹⁵⁴ While there, Horn Cloud and Beard filed official affidavits recounting Wounded Knee, which paralleled the accounts given to Walker, Ricker, Camp, and Gilmore. Whereas the brothers had previously represented their family as skeptical of the Ghost Dance, their 1917 affidavits omitted discussion of the dance altogether, perhaps because they saw it as ultimately irrelevant to the events preceding Wounded Knee. The survivors argued that, without provocation, troops had invaded the Lakotas' "peaceful territory," leading Big Foot to leave his Cheyenne River home in hopes of negotiating a peace settlement. On Pine Ridge, the band had surrendered to the Seventh Cavalry under a white flag. The shooting began when intoxicated troops wrestled a gun away from a confused (yet compliant) warrior, resulting in the wanton slaughter of men, women, and children. "Every time I recall this history," Beard stated, "the matter is so vivid in my mind, that it seems to me as though it had happened just yesterday." Horn Cloud explained that "a great many survivors of this band, demoralized by what had happened to them were poor for a long time and unable to get a state of living comfortably, and in fact, many of them ever since live in need." The brothers had come to Washington, D.C., to plead the survivors' cause.¹⁵⁵

Rather than claim compensation for lost property, as they had done in the early 1900s, Horn

¹⁵³ Hearing Record, March 10, 1917, 1, photocopy in Application for Rations, Wounded Knee Injury 1917, Archives and Special Collections, University Libraries, USD.

¹⁵⁴ Hearing Record, March 10, 1917, 1, photocopy in Application for Rations, Wounded Knee Injury 1917, Archives and Special Collections, University Libraries, USD; Joseph Horn Cloud, affidavit, March 12, 1917, 3, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W.

¹⁵⁵ Joseph Horn Cloud, affidavit, March 12, 1917, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W; Beard, affidavit, March 12, 1917, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W. Henry Standing Bear, a Lakota cofounder of the Society of American Indians, helped Horn Cloud translate the affidavits (see Lazarus, *Black Hills, White Justice*, 130-37).

Cloud and Beard instead petitioned the government to recognize the survivors as a special class that was eligible for continued rations, regardless of citizenship status, due to the army's negligence at Wounded Knee. Although they articulated their proposal as a remedy for disabled Lakotas such as White Lance, Horn Cloud and Beard ultimately envisioned a scenario where all survivors, as well as dependents and heirs, would be included within that special class.¹⁵⁶ Their idea was therefore roughly analogous to pensions for war veterans and their widows—the primary recipients of government social security prior to the New Deal—with the obvious difference that veterans received support for their service to the army, while the Lakotas would receive compensation for having been wronged by the military.¹⁵⁷ Horn Cloud and Beard also presented a secondary proposal, in which they asked the government to restore treaty-guaranteed annuities Big Foot's band missed in the chaos of 1890-91.¹⁵⁸

While in the capital, Horn Cloud and Beard recruited retired Lieutenant General Nelson A. Miles. In 1903, Horn Cloud had stated his intention to seek out “good men to help us see about this matter” of compensation. In 1917, he reiterated this desire to find “good white people” who would use their influence to convince government officials to grant “relief and redress” to the survivors.¹⁵⁹ Miles and Beard had apparently met in 1891, not long after Wounded Knee, when the general provided the survivor a certificate of good character. During the 1913 filming of *The Indian Wars* on Pine Ridge, Miles issued a second certificate reaffirming Beard's character as “one of the survivors of the Wounded Knee Massacre, in which he was twice seriously wounded and lost his father, mother, two brothers,

¹⁵⁶ Hearing Record, March 10, 1917, 1-3, photocopy in Application for Rations, Wounded Knee Injury 1917, Archives and Special Collections, University Libraries, USD.

¹⁵⁷ Theda Skocpol, “America's First Social Security System: The Expansion of Benefits for Civil War Veterans,” *Political Science Quarterly* 108, no. 1 (Spring 1993): 85-116.

¹⁵⁸ Hearing Record, March 10, 1917, 2-3, photocopy in Application for Rations, Wounded Knee Injury 1917 Archives and Special Collections, University Libraries, USD.

¹⁵⁹ Horn Cloud to Ricker, December 23, 1903, Ricker Collection, NSHS; Horn Cloud, affidavit, March 12, 1917, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W.

sister, wife, and child.”¹⁶⁰ As noted in Chapter 1, Miles had long opposed the use of excessive violence against Native peoples, preferring negotiation rather than repression to end conflicts. In 1891, he was the foremost critic of the Seventh Cavalry’s conduct at Wounded Knee, and his association with Beard had only reinforced his views on the matter. In support of the survivors’ 1917 claim, Miles wrote Commissioner of Indian Affairs Cato Sells that he “regarded the whole affair as most unjustifiable and worthy of the severest condemnation.” The general urged the Indian Office and Congress “to make a suitable recompense to the survivors who are still living for the great injustice that was done them and the serious loss of their relatives and property.”¹⁶¹

Upon receiving Miles’ letter, the Indian Office ordered Pine Ridge Superintendent John Brennan, who had overseen the 1904-1905 investigation and had cooperated in the filming of *The Indian Wars*, to look into the matter.¹⁶² Rather than investigate the broad proposals for justice advocated by Horn Cloud, Beard, and Miles, Brennan had his staff examine in detail White Lance’s personal financial records. On May 22, 1917, the superintendent reported that the Indian Office had given White Lance twenty head of heifers and \$50 in 1909, that he had received a \$129.07 pro rata share of trust funds in 1914, and aside from the money and horses he received in exchange for his allotment, he was paid \$119.52 per year in lease money. Brennan also concluded that White Lance was “not totally disabled and could take care of a garden, if so inclined.” As for the other Wounded Knee survivors, the army had classified them as “hostiles” in 1890, rendering them ineligible to receive the

¹⁶⁰ James McLaughlin to Cato Sells, January 12, 1921, 18-19, photocopy in Wounded Knee Compensation Papers, SDSHS; James H. McGregor, *The Wounded Knee Massacre from the Viewpoint of the Sioux* (1940; repr., Rapid City: Fenske Printing, 1993), 98.

¹⁶¹ Nelson A. Miles to [Cato Sells], 13 March 1917, photocopy in Wounded Knee Compensation Papers, SDSHS.

¹⁶² E. B. Merritt to John R. Brennan, March 13, 1917, photocopy in Application for Rations, Wounded Knee Injury, 1917, Archives and Special Collections, University Libraries, USD.

annuities they had missed in 1891.¹⁶³ Despite Miles' endorsement of the survivors' memories of Wounded Knee, the official version had ultimately guided the government's response to the survivors.

A Thorough Investigation

The failure of the 1917 claim disappointed the Lakotas, yet three years later the survivors renewed their demands for compensation for the wrongs committed against them. With Miles again supporting the survivors, the Indian Office launched the most extensive government investigation into Wounded Knee since the Forsyth court of inquiry discussed in Chapter 1. Whereas the 1891 examination had been based almost entirely on the testimony of the Seventh Cavalry's officers, fifty living survivors testified for the 1920 investigation. The Lakotas believed that this evidence would finally convince the government to administer justice for the massive loss of life and property at Wounded Knee. However, the official assigned to evaluate the claims, Inspector James McLaughlin, had conducted similar investigations in the past, including the Lakotas' 1909 compensation claims. As a former Standing Rock agent, McLaughlin held strong opinions regarding the Lakotas' history with the United States and the Ghost Dance, which he deemed a "fanatical" movement that undermined the government's civilization program.

In April 1920, Horn Cloud and Beard once more presented the Wounded Knee survivors' claims in Washington, D.C. They again recruited the help of Nelson A. Miles, who accompanied them to the office of Commissioner of Indian Affairs Cato Sells on April 12. According to Sells, the delegates "invited special attention to their request for those Indians who suffered in the battle of Wounded Knee."¹⁶⁴ To support their proposal that the government recognize a special class eligible for government support, Horn Cloud and Beard submitted lists naming sixty-seven survivors then living on

¹⁶³ John R. Brennan to [Cato Sells], May 11, 1917, photocopy in Application for Rations, Wounded Knee Injury, 1917, Archives and Special Collections, University Libraries, USD.

¹⁶⁴ Cato Sells to John Barton Payne, May 4, 1920, photocopy in Wounded Knee Compensation Papers, SDSHS.

the Pine Ridge, Cheyenne River, and Standing Rock Reservations. The lists also identified one hundred and seventy-four individuals who were killed at Wounded Knee, survivors who had subsequently died, and heirs of the victims.¹⁶⁵ Miles reminded the commissioner of his 1917 letter, and stated that the present was a favorable time “to atone in part for the cruel and unjustifiable massacre of Indian men and innocent women and children at Wounded Knee.” Strengthening the categorical similarities between the survivors and veterans, Miles also urged the Indian Office to award pensions to Indian scouts and soldiers. He asked that the Indian Office present the measures to Congress for action.¹⁶⁶

Commissioner Sells, interpreting the survivors’ claims within the framework of the 1891 compensation act, initially favored rejecting the petitions. Sells informed Miles in a letter that after giving “careful consideration to these claims of the survivors of Wounded Knee,” the Indian Office did “not at the present time believe that the matter should be presented to Congress.” The commissioner explained that in 1891, Congress had appropriated \$100,000 to compensate “friendly” Indians for losses during the Pine Ridge Campaign of 1890-91. Sells believed that “all of the friendly Sioux Indians who had lost property at the time mentioned were fully compensated.” Furthermore, many Wounded Knee survivors had already tried to obtain compensation, referring specifically to the 1909 Cherry Creek claims discussed above, which Indian Office Inspector James McLaughlin had found “ridiculously absurd.” Sells suggested that the survivors file a suit before the Court of Claims “to have

¹⁶⁵ Horn Cloud and Beard, Pine Ridge Survivors List, May 28, 1917, photocopy in Wounded Knee Compensation Papers, SDSHS; Joseph Horn Cloud and Dewey Beard, Cheyenne River Survivors List, July 10, 1917, photocopy in Wounded Knee Compensation Papers, SDSHS; Joseph Horn Cloud and Dewey Beard, Standing Rock Survivors List, July 10, 1918, photocopy in Wounded Knee Compensation Papers, SDSHS. The lists contained an additional forty names of Lakotas who cannot definitively shown to be survivors, at least eleven of whom were heirs. Horn Cloud and Beard also identified one hundred and three survivors who had died prior to 1917, as well as one hundred and seventy-four individuals who were killed at Wounded Knee (Deceased Survivors List, July 10, 1918, photocopy in Wounded Knee Compensation Papers, SDSHS; Joseph Horn Cloud, “List of Indians Killed and Wounded in Sioux Massacre,” 4, ca. 1920, photocopy in Wounded Knee Compensation Papers, SDSHS).

¹⁶⁶ Nelson A. Miles to Cato Sells, April 12, 1920, photocopy in Wounded Knee Compensation Papers, SDSHS.

their claims properly adjudicated.”¹⁶⁷

For reasons that remain obscure, however, Sells changed his mind and did not send the letter. Perhaps Sells’ shift was motivated by his belief that acknowledging Indians’ past grievances could further the government’s assimilationist project. The commissioner believed that allowing the memories of wrongs to fester “made poor soil for good citizenship to take root,” as Edward Lazarus has explained.¹⁶⁸ Sells shared his predecessor Francis E. Leupp’s concern that allowing the many “wildly absurd” claims promoted by Indians and their attorneys to fester unaddressed “only serve[d] to keep a multitude of Indians in a state of feverish expectancy of getting something for nothing, which is fatal to their steady industry and peace of mind.”¹⁶⁹ Leupp’s suggestion was to create a special court to adjudicate within three years all outstanding Indian claims, effectively “clear[ing] the atmosphere” by addressing legitimate suits and eliminating the “wildly absurd” ones.¹⁷⁰ As Lazarus suggests, “Sells and the Wilsonians wanted to settle the Indian claims, but that did not mean they wanted them settled in favor of the Indians. No nation could serve effectively both as guardian of the claimant and as prospective defendant in the claimant’s litigation.”¹⁷¹ Sells perhaps believed that simply investigating the survivors’ claims would satisfy the Lakotas and their advocate Miles.

On May 4, 1920, Sells explained to Secretary of the Interior Barton Payne that “a thorough investigation” was needed, “in order that whatever action may be hereafter decided upon Congress can be informed that it is the result of a complete knowledge of the situation as seems to be practicable at

¹⁶⁷ Cato Sells to Nelson A. Miles, May 6, 1920, 3, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W.

¹⁶⁸ Lazarus, *Black Hills, White Justice*, 131.

¹⁶⁹ Francis E. Leupp, *The Indian and His Problem* (New York: Scribners and Sons, 1910), 194, 195.

¹⁷⁰ Leupp, *The Indian and His Problem*, 196. Leupp’s proposal would become reality with the creation of the Indian Claims Commission in 1946 (Rosenthal, *Their Day in Court*).

¹⁷¹ Lazarus, *Black Hills, White Justice*, 135.

the present time.” Despite his apparent open-mindedness, Sells saw Wounded Knee as a “battle” that had resulted from “the so-called ‘Messiah Craze,’” suggesting he had not been fully swayed by the survivors’ and Miles’ arguments.¹⁷² Demonstrating a willingness—no matter how halfhearted—to address past grievances, however, would further Sells’ broader assimilationist agenda.

Sells selected Inspector James McLaughlin to conduct the investigation, explaining he was “thoroughly familiar with general conditions pertaining to the troubles referred to by General Miles.”¹⁷³ Sells also knew that McLaughlin had evaluated—and rejected—the Cherry Creek claims in 1910, based partly on the assumption that members of Big Foot’s band had been “hostile” in 1890.¹⁷⁴ McLaughlin’s understanding of the “general conditions” leading to Wounded Knee differed sharply from that presented by the survivors to Commissioner Sells, however. “During the Indian ‘Messiah Craze,’” McLaughlin explained in a memorandum dated May 5, 1920, Big Foot’s band had “abandoned their homes and fled to the Pine Ridge reservation where a large number of Sioux Indians, of the so-called Ghost dancers [*sic*], had congregated.” McLaughlin did not use the word “battle” to describe Wounded Knee, preferring terms such as “affair,” “disaster,” and “melee” to steer a more neutral course between “battle,” the army’s official label, and “massacre,” the survivors’ preferred term.¹⁷⁵ Sells also selected McLaughlin because he was “well-known for his sympathetic interest in the Indians.”¹⁷⁶ McLaughlin’s “sympathetic interest,” however, was contingent on whether Natives abandoned their “losing struggle for an existence according to [their] own ideals” and accepted the road

¹⁷² Sells to Payne, May 4, 1920, photocopy in Wounded Knee Compensation Papers, SDSHS.

¹⁷³ Sells to Payne, May 4, 1920, photocopy in Wounded Knee Compensation Papers, SDSHS.

¹⁷⁴ Sells to Miles, May 6, 1920, No. 31678—1920—260, Wounded Knee Massacre Claims, RG 75, NARA-W.

¹⁷⁵ James McLaughlin, memorandum, May 5, 1920, photocopy in Wounded Knee Compensation Papers, SDSHS.

¹⁷⁶ Sells to Payne, May 4, 1920, photocopy in Wounded Knee Compensation Papers, SDSHS.

to civilization.¹⁷⁷ After assigning McLaughlin the task, Sells retrieved the letter he had written to Miles and scrawled in the left hand margin: “Hold for Maj. McLaughlin report – 5/6/20.”¹⁷⁸

From May through July 1920, McLaughlin interviewed fifty survivors and twenty-nine heirs of the victims living on the Standing Rock, Cheyenne River, and Pine Ridge Reservations, depending heavily on the lists prepared by Horn Cloud and Beard.¹⁷⁹ Relying on his own knowledge of Lakota, the inspector asked each interviewee to discuss personal injuries sustained at Wounded Knee (if applicable), the names of relatives killed, and property stolen following the killings.¹⁸⁰ McLaughlin later stated that “their respective statements . . . were made in a straight forward manner in the presence of quite a number of Indians, and impressed me as reasonably probable as remembered by the relators.”¹⁸¹ McLaughlin was observing a key Lakota strategy for ensuring accuracy in recounting of the past. As members of a primarily oral society, the survivors documented their histories in their memories. When subsequently sharing their histories, others served as witnesses who either confirmed or challenged the reliability of their recollections, making their memories truly collective.¹⁸² This mechanism also protected the survivors against interlopers who would falsely join their ranks, to serve either self-aggrandizing or nefarious ends. For example, McLaughlin interviewed a man named Pain on

¹⁷⁷ McLaughlin, *My Friend the Indian*, vii.

¹⁷⁸ Sells to Miles, May 6, 1920, 1, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W.

¹⁷⁹ See marginal notes on Horn Cloud and Beard, Pine Ridge Survivors List, May 28, 1917, photocopy in Wounded Knee Compensation Papers, SDSHS; Horn Cloud and Beard, Cheyenne River Survivors List, July 10, 1917, photocopy in Wounded Knee Compensation Papers, SDSHS; Horn Cloud and Beard, Standing Rock Survivors List, July 10, 1918, photocopy in Wounded Knee Compensation Papers, SDSHS.

¹⁸⁰ Notebook 40, MF roll 17, 4-8 (Standing Rock), 9-25 (Cheyenne River), 28-73 (Pine Ridge), James McLaughlin Papers, Assumption Abbey Archives, Richardton, North Dakota; McLaughlin to Sells, January 12, 1921, photocopy in Wounded Knee Compensation Papers, SDSHS; Forsyth, *Representing the Massacre*, 62-63, 69, 75-78, 86-88.

¹⁸¹ McLaughlin to Sells, January 12, 1921, photocopy in Wounded Knee Compensation Papers, SDSHS.

¹⁸² H. David Brumble III, *American Indian Autobiography* (Berkeley: University of California Press, 1988), 26-27; David Middleton and Derek Edwards, “Conversational Remembering: A Social Psychological Approach,” in *Collective Remembering*, edited by David Middleton and Derek Edwards (London: Sage Publications, 1990), 23-45; Geoffrey Cubitt, *History and Memory* (Manchester: Manchester University Press, 2007), 189-90.

Hip at Pine Ridge, who claimed to have been at Wounded Knee. McLaughlin was subsequently informed by a number of Indians, including Dewey Beard, that “this man Pain on Hip was not at Wounded Knee, but had frequently claimed in talking with people, who did not know him, that he was in the Wounded Knee conflict and sustained great loss of property in the affair, which assertion is untrue and entirely without foundation.”¹⁸³

McLaughlin did not encourage his interviewees to interpret Wounded Knee itself, although a few slipped subtle hints of their views into McLaughlin’s record. For example, on May 18 the inspector interviewed Bear Gone on Standing Rock, a sixty-year old survivor who had lost her husband, Ashes, at Wounded Knee. She showed McLaughlin where she had been shot in the neck, with the inspector noting that “the lacerated scar [was] still showing very plainly.” For Bear Gone, the scar was evidence of the physical trauma inflicted by the troops on December 29, 1890. She had lost several horses and other property, including “a rifle which her husband delivered to the US troops at Wounded Knee,” a muted suggestion that her husband had been unarmed when killed.¹⁸⁴

Horn Cloud provided the clearest Lakota perspective on Wounded Knee to McLaughlin. The inspector noted on July 22, 1920, that Horn Cloud “has taken an active interest in this Wounded Knee matter and who has heretofore submitted written statements thereon.”¹⁸⁵ Observing Horn Cloud’s literacy, the inspector asked the survivor to draft a detailed description of the family’s human and material losses. In the resulting statement, Horn Cloud contended that Big Foot’s people had died “innocent” at Wounded Knee, language that echoed the 1903 monument inscriptions: “Many innocent

¹⁸³ Pain on Hip, statement, July 21, 1920, Notebook 20, 60, MF roll 17, McLaughlin Papers, Assumption Abbey Archives.

¹⁸⁴ Bear Gone (aka Mrs. High Cat), statement, May 18, 1920, Notebook 40, 2-3, MF roll 17, McLaughlin Papers, Assumption Abbey Archives.

¹⁸⁵ Joseph Horn Cloud, statement, July 22, 1920, Notebook 20, 1, 59, MF roll 17, McLaughlin Papers, Assumption Abbey Archives.

women and children who knew no wrong died here” and “the peace maker [Horn Cloud Senior] died here innocent.”¹⁸⁶ In addition, Horn Cloud placed his family within the Lakotas’ long history with the United States, as illustrated by his father’s dedicated service as an army scout. For Horn Cloud, this fact undermined the contention that his family had been “hostile” in 1890, and instead suggested that the Seventh Cavalry had massacred peaceful Lakotas at Wounded Knee. In a 1915 letter, the survivor articulated this argument more fully and extended the chronology. For one hundred years, Horn Cloud’s family had done “many good works . . . for sake of Good Government of United States.” Horn Cloud first discussed the Lakota Chief Black Buffalo who had signed a “treaty of friendship” with William Clark and Meriwether Lewis and, after his death, had received full military honors at his funeral.¹⁸⁷ Many of Horn Cloud’s male relatives had served as army scouts and each had received letters of recommendation and honorable discharge papers. Horn Cloud Senior was carrying his discharge papers on his person when killed at Wounded Knee. Notably, Horn Cloud’s brothers who lost their lives at Wounded Knee, William and Sherman, shared the first and last names of the American general under whom Horn Cloud Senior had served.¹⁸⁸

McLaughlin also met with Dewey Beard and Daniel White Lance. The inspector noted that Beard “bears a good reputation and impressed me very favorably, but as he don’t [*sic*] speak English he desired to await the arrival of his brother Joseph Horned Cloud . . . [before making] a detailed

¹⁸⁶ Joseph Horn Cloud to James McLaughlin, July 23, 1920, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W.

¹⁸⁷ Joseph Horn Cloud to Franklin Lane, May 8, 1915, RG 75, NARA-W. I am indebted to Phillip Burnham for this document. On Black Buffalo’s relations with the United States, see Robert L. Fisher, “The Treaties of Portage Des Sioux,” *Mississippi Valley Historical Review* 19, no. 4 (March 1933): 495-508; James P. Ronda, *Lewis and Clark Among the Indians*, Bicentennial Edition (Lincoln: University of Nebraska Press, 2002), 27-41; Craig Howe, “Lewis and Clark among the Tetons: Smoking Out What Really Happened,” *Wicazo Sa Review* 19, no. 1, American Indian Encounters with Lewis and Clark (Spring 2004): 131-43.

¹⁸⁸ Horn Cloud to Lane, May 8, 1915, RG 75, NARA-W. Horn Cloud to McLaughlin, July 23, 1920, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W. On William Tecumseh Sherman, see Michael Fellman, *Citizen Sherman: A Life of William Tecumseh Sherman* (Lawrence: University Press of Kansas, 1995).

statement,” which signaled Beard’s implicit trust in his brother and unstated distrust of McLaughlin. During the interview, Beard presented General Miles’ 1913 endorsement (discussed above), which illustrated the cultural significance of such endorsements in shaping white-Native interactions. Beard confirmed Horn Cloud’s description of the family’s losses, but added that he himself had received two serious wounds and his wife and newborn child had been killed.¹⁸⁹ White Lance showed McLaughlin scars from his three wounds, and the inspector recorded that “he has never fully recovered from his wound in the right ankle which is still superating [*sic*] and causes him to walk with a decided limp.”¹⁹⁰

Yet there were limits to McLaughlin’s trust in the survivors’ memories. Whereas the inspector believed the interviewees could adequately describe their own wounds, identify killed relatives and friends, and list their lost property, the inspector doubted their ability to accurately reconstruct the broader conditions leading to Wounded Knee. For that, he turned to Philip Wells, a seventy-year-old “intelligent Sioux mixed-blood” who had served as the Seventh Cavalry’s official interpreter during the Pine Ridge Campaign of 1890-91. Wells had also worked many years for the Indian Office and shared McLaughlin’s assumptions regarding the backwardness of traditional Lakota culture and the necessity of Indian assimilation into American life.¹⁹¹ On September 3, 1920, Wells sent the inspector a detailed statement.¹⁹² Wells argued that unrest over broken treaties caused the Lakotas to accept the Ghost Dance.¹⁹³ “The Indians,” he explained, “being in such a hostile state of mind, and the ghost dance

¹⁸⁹ Beard, statement, July 22, 1920, Notebook 20, 59, MF roll 17, McLaughlin Papers, Assumption Abbey Archives.

¹⁹⁰ White Lance, statement, July 22, 1920, Notebook 20, 63, MF roll 17, McLaughlin Papers, Assumption Abbey Archives.

¹⁹¹ “Sketch of Philip Faribault Wells,” in Jensen, ed., *The Indian Interviews*, 121-23.

¹⁹² McLaughlin to Sells, January 12, 1921, 25, photocopy in Wounded Knee Compensation Papers, SDSHS.

¹⁹³ Philip F. Wells to Hugh L. Scott and James McLaughlin, September 3, 1920, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W.

taking possession of them[,] became fanatics.”¹⁹⁴ Although Wells acknowledged that the Lakotas believed whites would disappear through supernatural means, rather than an armed insurrection, he nonetheless insisted that Big Foot was “treacherous” and needed to be disarmed before he reached the other “hostiles” in the Bad Lands.¹⁹⁵

Wells defended the conduct of Colonel Forsyth and the Seventh Cavalry at Wounded Knee. Repeating many of the justifications offered by Forsyth’s officers during the 1891 inquiry into the colonel’s leadership, the interpreter argued that the Lakotas themselves were responsible for the deaths of noncombatants. The warriors themselves, as they fired into the ranks of the soldiers, killed the first women and children. As the fleeing Lakota men mixed with their families in the black-powder-induced fog, the soldiers—many of whom had never seen actual Indians previously—inadvertently fired at men and women, since both sexes allegedly wore indistinguishable Ghost Shirts. Even three wounded warriors, who Wells had interviewed in January 1891, confirmed that the soldiers had been kind to the Lakotas. Wells also condemned as false newspaper reports that accused the soldiers of being drunk and goading the Lakotas into fighting. Despite the fact that Wells had been injured early on, and therefore missed much of what he claimed to have seen, McLaughlin deemed the interpreter a more reliable narrator than his survivor interviewees.¹⁹⁶

Aside from seeking out Wells, McLaughlin conducted research in the archives of the Indian Office, where he located the 1890 reports of Cheyenne River Reservation Agent Perain P. Palmer. Palmer owed his 1890 appointment more to his loyalty to the Republican Party than any special

¹⁹⁴ Philip F. Wells, statement, September 3, 1920, 1, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W.

¹⁹⁵ Wells to Scott and McLaughlin, September 3, 1920, 12, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W; Wells, statement, September 3, 1920, 6-7, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W.

¹⁹⁶ Wells, statement, January 3, 1920, 7-11, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W.

competency with Native peoples.¹⁹⁷ Although the agent described Big Foot as “appear[ing] friendly,” Palmer saw the chief’s protection of the Ghost Dancers on the reservation as a sign of “hostile” intentions.¹⁹⁸ He also interpreted the band’s acquisition of arms and ammunition as proof of a planned uprising.¹⁹⁹ Palmer’s reports painted a picture of Big Foot as the leader of “fanatics” who defied Indian Office authority by refusing to stop dancing. Despite the agent’s initial impression that Big Foot was “friendly,” he nonetheless recommended that the chief be arrested and removed from the reservation.²⁰⁰

After reviewing Palmer’s reports and other Indian Office papers, McLaughlin drafted his final report on January 12, 1921. In contrast to Horn Cloud’s portrayal of a long history of cooperation between the Lakota nation and the United States, McLaughlin began by situating Big Foot’s followers within a broader story of resistance to the government’s assimilation programs. These were the people, he explained, who “fled with Sitting Bull after the Battle of the Little Big Horn June 25, 1876.”²⁰¹ Sitting Bull was the last militant leader to surrender after the Little Big Horn, with cold and hunger forcing him and his followers to abandon their Canadian refuge in 1881. In his autobiography, McLaughlin described the Lakota medicine man as “crafty, avaricious, mendacious, and ambitious,” a man who “possessed all of the faults of an Indian and none of the nobler attributes which have gone far to redeem some of his people from their deeds of guilt.”²⁰² To the former Standing Rock agent’s consternation, Sitting Bull stubbornly resisted the government’s assimilation programs, and used his

¹⁹⁷ On the spoils system and Palmer’s appointment, see Richardson, *Wounded Knee*, 170-73.

¹⁹⁸ Perain P. Palmer to T.J. Morgan, October 29, 1890, M983-1, 1:27-29.

¹⁹⁹ Perain P. Palmer to T.J. Morgan, November 10, 1890, M983-1, 1:30-32. For an alternative explanation for the arms acquisitions, see Ostler, *The Plains Sioux and U.S. Colonialism*, 294.

²⁰⁰ For an analysis of Palmer’s reports, see Rani-Hendrik Andersson, *The Lakota Ghost Dance of 1890* (Lincoln: University of Nebraska Press, 2008), 122-24.

²⁰¹ McLaughlin to Sells, January 12, 1921, 1, photocopy in Wounded Knee Compensation Papers, SDSHS.

²⁰² McLaughlin, *My Friend the Indian*, 180; Ostler, *The Plains Sioux and U.S. Colonialism*, 213-15.

influence to encourage passive resistance elsewhere.²⁰³ As Big Foot's Minneconjous maintained close ties with Sitting Bull, McLaughlin argued that the Cherry Creek Lakotas were "among the least advanced in civilization of any of the Sioux bands" in 1890.²⁰⁴

For the inspector, this refusal to accept civilization created fertile ground for adherence to the "Messiah Craze," which he had described in 1890 as "an absurd nonsense" that spread like an "infection" from the southern Lakota reservations northward. Despite the survivors' attempts to downplay the significance of the Ghost Dance, McLaughlin placed it at the center of his analysis. Above all else, the Ghost Dance was "fanaticism." McLaughlin described Sitting Bull—the Ghost Dance's "false prophet"—as the "high priest and leading apostle of this latest Indian absurdity" and as the "the Chief Mischief Maker at [Standing Rock] Agency." Aside from deceiving the ignorant classes, he had even swayed "some of the Indians who were formerly numbered with the progressive and more intelligent and many of our very best Indians appear 'dazed' and undecided when talking of it, their inherited superstition having been thoroughly aroused."²⁰⁵ In 1921, McLaughlin "still retain[ed] a distinct recollection of the dazed condition of the fanatical Ghost Dancing Indians involved in [Wounded Knee]."²⁰⁶ As for Big Foot's "deluded" followers, they had "been engaged in the wild revelry of the so called Ghost Dance Craze. . . . [They were] the more firm believers in that absurd doctrine from which, through long periods of fasting and exhaustive dancing, they became emaciated and dazed in appearance and heedless to the advice of persons interested in their welfare."²⁰⁷ They were, therefore, threats to themselves and others.

²⁰³ Pfaller, *James McLaughlin*, 92.

²⁰⁴ McLaughlin to Sells, January 12, 1921, 1, photocopy in Wounded Knee Compensation Papers, SDSHS.

²⁰⁵ Pfaller, *James McLaughlin*, 129.

²⁰⁶ McLaughlin to Sells, January 12, 1921, 1, photocopy in Wounded Knee Compensation Papers, SDSHS.

²⁰⁷ McLaughlin to Sells, January 12, 1921, 24, photocopy in Wounded Knee Compensation Papers, SDSHS.

McLaughlin recounted in his 1921 report that after Sitting Bull's death on December 15, 1890, "the Ghost Dancing fanatics" on Standing Rock "joined Big Foot and his disaffected followers of the Cheyenne River Agency in their stampede from Cherry Creek to Pine Ridge reservation and were therefore of the Big Foot party in the disastrous affair at Wounded Knee."²⁰⁸ In final analysis, it was this history of stubborn resistance and "Messiah-crazed fanaticism" that created the conditions for Wounded Knee. "The crazed condition and heedlessness of the Indians involved in the Wounded Knee affair," McLaughlin concluded, "was largely responsible for the unfortunate occurrence."²⁰⁹

The bulk of McLaughlin's 1921 report comprised of transcribed notes from his interviews on the three reservations, noting each person's wounds, killed relatives, and property lost.²¹⁰ The survivors' assertions, noted above, that the soldiers had attacked largely unarmed Lakotas, who had surrendered their weapons, apparently had no effect on McLaughlin's thinking. Neither did Horn Cloud's explicit affirmation of innocence and discussion of his father's prior service as a scout for the US Army. Furthermore, General Miles' 1917 and 1920 letters, which the inspector had in his possession, did not alter McLaughlin's apparent belief that the Seventh Cavalry bore no responsibility for Wounded Knee. He also had copies of Horn Cloud's and Beard's 1917 affidavits, which portrayed Big Foot as a peaceful chief who was going to Pine Ridge to negotiate peace.²¹¹ These were, apparently, not reliable sources.

Most perplexing was McLaughlin's contention that, three decades following 1890, "the Indians now seldom refer" to Wounded Knee, perhaps forgetting momentarily his own key roles in two

²⁰⁸ McLaughlin to Sells, January 12, 1921, 1, photocopy, Wounded Knee Compensation Papers, SDSHS.

²⁰⁹ McLaughlin to Sells, January 12, 1921, 26, photocopy in Wounded Knee Compensation Papers, SDSHS.

²¹⁰ McLaughlin to Sells, January 12, 1921, 2-23, photocopy in Wounded Knee Compensation Papers, SDHS.

²¹¹ On McLaughlin's possession of these items, see McLaughlin to Sells, January 12, 1921, 26-27, photocopy in Wounded Knee Compensation Papers, SDSHS.

investigations of the survivors' claims. If anything, the remnant of Big Foot's band had more actively pursued their demands in the 1910s than during the two decades following 1890. McLaughlin was "therefore strongly of the opinion that the peace of mind of the Sioux and interests of the government would best be subserved by not agitating the matter further at this late date." If the first part of this statement was patently false, the second reflected McLaughlin's view that addressing claims for past wrongs simply served to "agitate" the Lakotas and impede their progress toward civilization. As an afterthought, the inspector stated that "as a matter of justice" the government could set aside a paltry sum of \$20,000 to compensate the survivors—not for the deaths of their kin—but for horses and other property lost after Wounded Knee, since the military controlled the field. To that degree, the inspector was willing to admit some fault on the government's part.²¹² Commissioner Sells declined McLaughlin's recommendation for Congress to appropriate funds to compensate the survivors for lost horses, preferring to allow the matter to die. Perhaps Sells was simply interested in portraying the government as willing to hear the survivors' claims, but not serious about actually addressing them.

Conclusion

Joseph Horn Cloud, who had spent much of his adult life pursuing justice for the survivors of Wounded Knee, would not live to learn the commissioner's decision. On September 18, 1920, Horn Cloud died of a heart attack at his home in Kyle, South Dakota, not far from the mass grave where his family and his people were buried.²¹³ As the most active and persistent survivor during the first three decades following Wounded Knee, Horn Cloud had pursued compensation within a system that was not ready to listen. Government officials in 1890 had defined Big Foot and his people as "hostiles" because the "Messiah Craze" was deemed a "fanatical" threat to the American social order. The survivors

²¹² McLaughlin to Sells, January 12, 1921, 26, photocopy in Wounded Knee Compensation Papers, SDSHS.

²¹³ "Joseph Horn Cloud," *The Indian Sentinel* 2, no. 7 (July 1921): 332-34.

worked tirelessly to establish that, although they may have participated in the Ghost Dance, they had not been “hostile” to the government in 1890. Although not as well known as other “New Indians” of the Progressive Era, such as Charles Eastman or Luther Standing Bear, Horn Cloud and other survivors attempted to rework “official” narratives by portraying Big Foot as a peace-seeking chief who was killed by drunk and vengeful Seventh Cavalrymen. However, government officials repeatedly condemned the survivors as unreliable witnesses, unable to accurately reconstruct the events leading to the deaths of their kin.

The death of Horn Cloud, while devastating, did not completely demoralize the remaining members of Big Foot’s band. In 1923, Paul Bull Eagle, president of the Big Foot Survivors Association, announced plans to hold a “day of lament” at the mass grave to “honor, and decorate over the graves of innocent children, women and men that are resting under their own soil awaiting for judgment day.” They would remember “where Big Foot and his band were disarmed and massacred by the United States Army,” since “a third of a century has passed since that un-excusable [*sic*] action occurred.”²¹⁴ By the 1930s, the remaining survivors, recognizing a shift in white attitudes toward Native claims for justice, would honor Horn Cloud’s legacy by bringing their claims before the Congress of the United States.

²¹⁴ Paul Bull Eagle, James Black Hawk, and James E. High Hawk to H. M. Tidwell, September 23, 1923, Main Decimal File, 053 Historical Data 1915, 1916, 1923, RG 75, NARA-KC.

Chapter 4

Liquidating the Liability of the United States for Wounded Knee

“The Wounded Knee massacre survivors have come,” Commissioner of Indian Affairs John Collier noted in April 1938, referring to the recent appearance of two Lakota delegates before Congress. “What a beam of light they . . . shed upon a mournful phase of Indian history, now forty-six years in the past.”¹ The witnesses testified in support of a bill that would “liquidate the liability of the United States for the massacre of Sioux Indian men, women, and children at Wounded Knee on December 29, 1890,” by granting \$1,000 per victim to the survivors and heirs, as well as \$1,000 for Lakotas injured in the fighting. This sudden entrance onto the national stage provided a platform for the survivors’ ongoing engagement with the politics of memory, centered on such English words as “massacre” and “hostility,” as discussed in previous chapters. In the 1930s, the survivors framed their memories of Wounded Knee as a violation of treaty rights, and that just compensation was necessary to heal the rift between the Lakota nation and the United States.

That the Commissioner of Indian Affairs was championing, rather than challenging, the survivors’ claims in the 1930s reflected the changes that had occurred in the government’s relationship with Native nations since the Progressive Era. In 1920, Congress passed legislation opening the US Court of Claims to several tribes for the first time, including the Lakotas. A decade later, the Court of Claims had a backlog of over one hundred Indian suits, some brought by the Lakotas, claiming nearly three billion in principal and interest.² Partially as a reward for Native American military service in

¹ John Collier, editorial, *Indians at Work* 5, no. 8 (April 1938): 1-2.

² H.D. Rosenthal, *Their Day in Court: A History of the Indian Claims Commission* (New York: Garland Publishing, 1990), 10-19; Edward Lazarus, *Black Hills, White Justice: The Sioux Nation versus the United States, 1775 to the Present* (1991; reprint, Lincoln: Bison Books, 1999), 138; Christian W. McMillen, *Making Indian Law: The Hualapai Land Case and the Birth of Ethnohistory* (New Haven: Yale University Press, 2007), 62.

World War I, in 1924 Congress granted citizenship to all Indians born in the United States. In states such as South Dakota with substantial indigenous populations, this act encouraged congressional representatives to advocate their new Indian constituents' causes.³ Lastly, Franklin Delano Roosevelt's and John Collier's Indian New Deal, passed in 1934, upended federal Indian policies first implemented in the 1880s, as the Indian Office abandoned allotment and assimilation in favor of supporting tribal land bases, encouraging cultural pluralism, and establishing limited self-government.⁴ All of these factors combined to make the Office of Indian Affairs, the Department of the Interior, and congressmen assigned to the House Committee on Indian Affairs sympathetic to legislation recognizing an obligation to "liquidate" the nation's "liability" incurred at Wounded Knee in 1890.

However, the same forces that created a more favorable atmosphere in the 1930s for the Lakotas' claims created opposition to the very idea of compensating those formerly considered enemies of the United States. The US Army vigorously defended the official version of Wounded Knee established in 1890-91, arguing before Congress that "hostile" and "fanatical" Ghost Dancers had "treacherously" attacked the Seventh Cavalry, rendering the Lakotas responsible for the deaths of their own women and children. Representatives from states without significant Indian constituencies had little incentive to support controversial legislation to correct an "ancient wrong." Others, concerned with rising government spending, cited fiscal responsibility in their opposition to the bill. Even congressmen sympathetic to the survivors' cause feared that successful passage would open the floodgates to claims for other massacres. Although World War II ultimately forced the survivors and their advocates to withdraw the legislation, the preceding decade witnessed a substantial debate over

³ Francis Paul Prucha, *The Great Father: The United States Government and the American Indians* (Lincoln: University of Nebraska Press, 1984), 793-94.

⁴ Kenneth R. Philp, *John Collier's Crusade for Indian Reform, 1920-1954* (Tucson: University of Arizona Press, 1977).

the “legacies” and “liabilities” of the nineteenth-century conquest of the North American West.⁵

Tell the Good White People What Happened at Wounded Knee

In the early 1930s, the survivors laid a foundation for this debate by dictating accounts of Wounded Knee to Pine Ridge Superintendent James H. McGregor. As detailed in Chapter 3, the survivors had sought out sympathetic whites such as Eli S. Ricker and retired Lieutenant General Nelson A. Miles who not only recorded and publicized their memories, but also advocated their compensation claims. The statements given to McGregor supported the Lakotas’ subsequent efforts to claim compensation before Congress later in the decade. The survivors’ statements emphasized many of the same themes first addressed by Joseph Horn Cloud, Dewey Beard, and other survivors who previously dictated formal accounts: Big Foot’s band was peaceful in 1890, they cooperated with the Seventh Cavalry during the disarmament, and the soldiers had massacred the defenseless Indians. Moreover, the Lakotas’ growing awareness of treaty rights in the 1930s provided a new narrative structure for their memories of Wounded Knee.

Other than the Lakotas’ advanced age, several factors influenced their decision to commit their memories to paper in the early 1930s. First, in 1928 Congress had authorized a major investigation of claims for horses and other property seized by the US Army during the so-called Great Sioux War of 1876 under the compensation provision in the 1868 Treaty of Fort Laramie. Drafting these “Pony Claims” doubtless reminded the survivors of their previous attempts to obtain compensation for Wounded Knee.⁶ Second, the onset of the Great Depression in 1929 further impoverished an already poor people, and the growing awareness of Roosevelt’s proposals for using government resources to

⁵ Patricia Nelson Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (1987; reprint, New York: Norton, 2006).

⁶ Mario Gonzalez and Elizabeth Cook-Lynn, *The Politics of Hallowed Ground: Wounded Knee and the Struggle for Indian Sovereignty* (Urbana: University of Illinois Press, 1996), 395-405n32.

alleviate suffering likely influenced the survivors' thinking.⁷ Lastly, in 1931 Nebraska poet laureate John G. Neihardt interviewed Catholic catechist and Lakota holy man Nicholas Black Elk on Pine Ridge. Neihardt was particularly interested in Black Elk's memories of Wounded Knee. Although he was not present when the firing started, the holy man and other Oglalas rescued some of Big Foot's band from the soldiers. The excitement surrounding Neihardt's visit, which included the poet's adoption into the Oglala tribe, likely drew the attention of the survivors and Superintendent McGregor.⁸

Within a few months of Neihardt's 1931 visit, McGregor began conducting his own research for a book on Wounded Knee.⁹ He was a sympathetic non-Native who genuinely sought to understand the event from a Lakota perspective. He would later argue that "about the only thing that has been written [on Wounded Knee], is from the pens of white people, who have often been prejudiced writers and made heroes of the soldiers, and blood-thirsty savages of the Indians. The Sioux have said but little and written less." He believed he had "a duty toward the survivors" to record and disseminate their memories to a broader audience.¹⁰

McGregor interviewed the survivors during their annual reunions at the Wounded Knee mass grave.¹¹ At a "Memorial Day" service held on May 25, 1932, the remnant of Big Foot's band gathered

⁷ Donald Lee Parman, *Indians and the American West in the Twentieth Century* (Bloomington: Indiana University Press, 1994), 89-106.

⁸ Raymond J. DeMallie, ed., *The Sixth Grandfather: Black Elk's Teachings Given to John G. Neihardt* (Lincoln: University of Nebraska Press, 1984), 30-47, 271, 275. Black Elk dictated in Lakota to his son, Benjamin, who then translated the words into English, which were then recorded in shorthand by Neihardt's daughter, Enid. Neihardt published a heavily edited account of the interview in 1932 as *Black Elk Speaks*.

⁹ See James H. McGregor to Grant Wright, October 27, 1931, Main Decimal File, 053 Historical Data 1927-1932, RG 75, National Archives and Records Administration-Kansas City, Missouri.

¹⁰ McGregor, *The Wounded Knee Massacre*, 4.

¹¹ On McGregor's editorial method, see Susan Forsyth, *Representing the Massacre of American Indians at Wounded Knee, 1890-2000*. Native American Studies (Lewiston, NY: Edwin Mellon Press, 2003), 63-64, 68-73, 78-82. McGregor employed William Bergen and Henry Standing Bear, a "red progressive" co-founder of the Society of American Indians, as his interpreters, as well as an unnamed stenographer (McGregor, *The Wounded Knee Massacre*, 80; Hazel W. Hertzberg, *The Search for an American Indian Identity* [Syracuse: Syracuse University Press, 1971], 36, 328n12; Edward Lazarus, *Black Hills, White Justice: The Sioux Nation versus the United States, 1775 to the Present* [1991; repr., Lincoln:

to remember those killed at the site four decades before. They sang “America, the Beautiful,” prayed, listened to speeches, and decorated the mass grave with flowers. Although they previously had held group meetings at the site—such as the 1923 “day of lament” discussed at the end of Chapter 3—this 1932 meeting was later remembered as the first annual survivors’ reunion.¹² On this occasion, McGregor interviewed Afraid of Enemy, a seventy-eight year old Lakota from the Cheyenne River Reservation.¹³ At another meeting held just under a year later, at least twenty-one individuals—seventeen men and five women—gave statements to McGregor.¹⁴ The youngest survivors were in their late forties in 1933, while the oldest were in their late seventies.¹⁵ Nearly two-thirds were from the Pine Ridge Reservation, although a decent sized delegation represented the Cheyenne River survivors.¹⁶

University of Nebraska Press, 1999], 130-37).

¹² Memorial Day Program, May 25, 1932, Main Decimal File, 053 Historical Data 1927-1932, RG 75, NARA-KC; “The Ninth Annual Reunion and Memorial of the Survivors and Heirs of Chief Big Foot Band at the Historic Cemetery,” June 28-29, 1941, Main Decimal File, fd. 044 Monuments and Memorials, bx 160 042.0-047 1922-28, RG 75, NARA-KC.

¹³ Afraid of Enemy, statement, May 25, 1932, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, National Archives and Records Administration, Washington, D.C. I am indebted to Mike Her Many Horses for copies of documents in this file.

¹⁴ James Pipe on Head, et al., Resolution, February 14-15, 1933, Main Decimal Files, 036 Departmental Relations War Department, RG 75, NARA-KC. See also White Lance, statement, no date, and George Running Hawk, statement, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W. At least nine typed manuscript statements—not all of them complete—have survived, including those for Bertha Kills Close to Lodge, Charley Blue Arm, Donald Blue Hair, George Running Hawk, Henry Jackson, James Hi Hawk, Peter Stand, Rough Feather, White Lance (Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W). Along from these, McGregor reproduced twelve additional statements in *The Wounded Knee Massacre from the Viewpoint of the Sioux* (1940; repr., Rapid City, SD: Fenske Printing, 1993), for which manuscripts have not been located: Dewey Beard (95-97), James Pipe on Head (98-99), Louise Weasel Bear (101), Mary Mousseau (105-106), Edward Owl King (107-109), John Little Finger (111-12), Alice Dog Arm or Kills Plenty (114), Frank Sits Poor (120-21), Richard Afraid of Hawk (121-22), Joseph Black Hair (122-24), Dog Chief (124-26), and Nellie Knife (130). McGregor also identified Charles Blind Man as a survivor who gave an account, but the account does not ultimately appear in McGregor’s book, and no manuscript account has been located (McGregor, *The Wounded Knee Massacre*, Table of Contents).

¹⁵ 40s: James Hi Hawk (48), Henry Jackson (49). 50s: Edward Owl King (52), James Pipe on Head (53), George Running Hawk (54), Alice Dog Arm (56), Donald Blue Hair (58), John Little Finger (59), Charles Blue Arm (59). 60s: Bertha Kills Close to Lodge (60), Richard Afraid of Hawk (60), Peter Stand (63), Nellie Knife (63), White Lance (64), Rough Feather (69). 70s: Dog Chief (72), Dewey Beard (77), Mary Mousseau (77), and Joseph Black Hair (77). The ages for Louise Weasel Bear and Frank Sits Poor have not been identified, although Weasel Bear implied to McGregor that she was an adult in 1890, while Sits Poor implied he was a child (Weasel Bear, statement, McGregor, *The Wounded Knee Massacre*, 101; Sits Poor, statement, McGregor, *The Wounded Knee Massacre*, 120).

¹⁶ Pine Ridge: George Running Hawk, Henry Jackson, Peter Stand, Rough Feather, White Lance, Dewey Beard,

The Lakotas contrasted McGregor favorably with previous interlocutors. Some survivors retained vivid memories of Buffalo Bill's 1913 filming of *The Indian Wars* on Pine Ridge, which brought Wounded Knee to moving pictures (see Chapter 3). Edward Owl King recalled that "some years ago they had a moving picture taken of this Massacre. The Indians without thinking went ahead and performed in the ways that were directed by some white people, not truthfully but just the way they wanted it presented in pictures. That tells the wrong story. . . . [The old men] all agree that the presentation of the Massacre was all wrong."¹⁷ Afraid of Enemy stated that "I want my good friends to tell the good white people what they did to us here at Wounded Knee. We know he [McGregor] is our friend and we know that some white people are good friends of the Indians, but most of them do not like us and not have sympathy for us poor Indians."¹⁸ Daniel White Lance opined that prior to McGregor, "there had never been an Agent that has taken [such] interest in us. . . . What he has done for us is the same as wiping away our tears," a reference to a Lakota mourning ritual.¹⁹ White Lance, who had seen several unsympathetic officials reject the compensation petitions of his brother, Joseph Horn Cloud, spoke from experience (see Chapter 3).

The survivors were well aware that in white society, the army's contemporary written records carried greater cultural weight than the Lakotas' orally recounted memories. Joseph Black Hair, for example, argued that soldiers "are required to carry on warfare under certain laws and regulations and they know that they must not go beyond these laws and regulations and have to give an account of their actions, therefore their reports must show that they were right and could not be blamed in no way, so

James Pipe on Head, Mary Mousseau, John Little Finger, Richard Afraid of Hawk, Joseph Black Hair, Frank Sits Poor, and Dog Chief. Cheyenne River: Charles Blue Arm, Donald Blue Hair, James Hi Hawk, Edward Owl King, Alice Dog Arm, and Nellie Knife. Standing Rock: Louise Weasel Bear. Unknown: Bertha Kills Close to Lodge.

¹⁷ Edward Owl King, statement, McGregor, *The Wounded Knee Massacre*, 108-109. See also Afraid of Enemy, statement, May 25, 1932, McGregor, *The Wounded Knee Massacre*, 119.

¹⁸ Afraid of Enemy, statement, May 25, 1932, McGregor, *The Wounded Knee Massacre*, 118-19.

¹⁹ White Lance, statement, McGregor, *The Wounded Knee Massacre*, 110.

they make reports without opposition in their favor.” This explained not only why the army had written accounts, but also why those reports took the form that they did. The survivors, on the other hand, were “not compelled to make a report, nor to following any legal instruction so they have not on record anywhere an account of what really happened.”²⁰ Nevertheless, Lakotas found ways to record their memories in dictated accounts, compensation claims, and even the monument at the mass grave. Even when recounting orally, as McGregor observed, they did so in a group setting. This allowed them to substantiate each others’ memories, a common verification technique in primarily oral societies.²¹

As they had in earlier accounts, the survivors defended Big Foot and his band by emphasizing the peaceful nature of their visit, thereby implicitly challenging the army’s argument that the Lakotas had been “hostile” in 1890. Nellie Knife argued that “we were going to Pine Ridge to see our relations and Big Foot was to be in a Big Council.”²² James Pipe on Head, Big Foot’s grandson, remembered that when they saw the soldiers approaching, “Big Foot told these people to raise the white flag; that means peace. So on a stick they fixed a white flag and they carry it. The old man advised these people that if the soldiers meet them they must not be disturbed, the Indians must not start anything.”²³ Dewey Beard, who McGregor portrayed as “well preserved and very active,” despite his seventy-seven years, described Whitside’s demand for the Lakotas’ weapons on December 28, 1890. Big Foot replied that

²⁰ Joseph Black Hair, statement, McGregor, *The Wounded Knee Massacre*, 123.

²¹ See statements of Peter Stand and James Hi Hawk, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W; White Lance, statement, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W; see also Mary Mousseau and Edward Owl King, statements, McGregor, *The Wounded Knee Massacre*, 4, 105, 108-109. On witnesses affirming memories in primarily oral cultures, see H. David Brumble III, *American Indian Autobiography* (Berkeley: University of California Press, 1988), 26-27 and Geoffrey Cubitt, *History and Memory, Historical Approaches* (Manchester: Manchester University Press, 2007), 189-90.

²² Nellie Knife, statement, McGregor, *The Wounded Knee Massacre*, 130. See also statements of Bertha Kills Close to Lodge and Dog Chief, McGregor, *The Wounded Knee Massacre*, 106, 125.

²³ James Pipe on Head, statement, McGregor, *The Wounded Knee Massacre*, 98. See also Charley Blue Arm, statement, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W; Dewey Beard, statement, McGregor, *The Wounded Knee Massacre*, 95; Louise Weasel Bear, statement, McGregor, *The Wounded Knee Massacre*, 101; Dog Chief, statement, McGregor, *The Wounded Knee Massacre*, 124-25.

“he was a peaceful man” and that they would willingly surrender their weapons at Pine Ridge. The chief, however, was fearful that “something crooked” would happen and children would be endangered, if the disarmament occurred on the prairie.²⁴

The Seventh Cavalry responded to the white flag by surrounding the Lakotas, stationing cannons on a nearby hill, and repeating the demand that they surrender their weapons. Dog Chief remembered that “the soldiers just came on like they were going to run over us and then they spread out like they were going to fire on us. . . . Well we had the white flag but the soldiers did not but took the cannon off from the mules and was working at them like they was going to fight.”²⁵ On the night of December 28, Peter Stand recalled hearing “metallic sound as though the soldiers were moving. . . . The women went for water, came back and reported that the infantry and the cavalry had surrounded us. We didn’t know what to think, after hearing all of that, we were kind of a little bit afraid and it bothered us a little through the night.”²⁶ The next morning, an interpreter told the warriors to deposit their weapons a short distance away from the women and children, and the soldiers promised that as soon as the guns were surrendered, they would proceed to Pine Ridge.²⁷ Most of the men placed their guns in a pile, while the soldiers searched some Lakotas individually for hidden weapons.²⁸ Bertha

²⁴ Dewey Beard, statement, McGregor, *The Wounded Knee Massacre*, 95.

²⁵ Dog Chief, statement, McGregor, *The Wounded Knee Massacre*, 124. See also statements of White Lance and Henry Jackson or Harry Kills White Man, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W.

²⁶ Peter Stand, statement, McGregor, *The Wounded Knee Massacre*, 116.

²⁷ Betha Kills Close to Lodge, statement, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W; George Running Hawk, statement, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W; White Lance, statement, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W; Dewey Beard, statement, McGregor, *The Wounded Knee Massacre*, 96; Dog Chief, statement, McGregor, *The Wounded Knee Massacre*, 125.

²⁸ Charley Blue Arm, statement, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W; Donald Blue Hair, statement, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W; Peter Stand, statement, McGregor, *The Wounded Knee Massacre*, 116; Richard Afraid of Hawk, statement, McGregor, *The Wounded Knee Massacre*, 121;

Kills Close to Lodge remembered that “soldiers came over to where I was and searched the wagon, throwing down our dishes that we had packed in the wagon and took our knives, axes and awls and anything that could be used for a weapon.”²⁹ The cavalrymen also entered tents, pushing women out of the way in the process. Survivor Mary Mousseau remembered that “one white man with a Roman nose seemed to have a whole lot to do with me. Every now and then he felt me around the waist to see if I had any knives. I threw my blanket back and showed them I didn’t have anything.” Her statement hinted that some soldiers used inappropriate tactics during the search.³⁰

The survivors’ accounts reflected the divergent narrative traditions developed in the various survivor communities in regards to how the shooting started, as described in Chapter 3. Following the version first recorded by the Cheyenne River Lakotas in the 1910s, several recalled hearing an officer giving orders that they could not comprehend, followed by the soldiers firing at the warriors.³¹ Consistent with his earlier accounts, Dewey Beard described troops grabbing a young warrior who was willingly setting his gun down. “They came on and grabbed the gun that he was going to put down. Right after they spun him around there was the report of a gun, was quite loud. I couldn’t say that anybody shot but following that was a crash.”³² Charley Blue Arm, however, did not recall hearing a

²⁹ Betha Kills Close to Lodge, statement, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W; Charley Blue Arm, statement, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W; George Running Hawk, statement, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W; Louis Weasel Bear, statement, McGregor, *The Wounded Knee Massacre*, 101; John Little Finger, statement, McGregor, *The Wounded Knee Massacre*, 111; Mrs. Alice Dog Arm or Kills Plenty, statement, McGregor, *The Wounded Knee Massacre*, 114; Nellie Knife, statement, McGregor, *The Wounded Knee Massacre*, 130.

³⁰ Mary Mousseau, statement, McGregor, *The Wounded Knee Massacre*, 105. See also Henry Jackson or Harry Kills White Man, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W, and Dog Chief, statement, McGregor, *The Wounded Knee Massacre*, 125.

³¹ Peter One Skunk, Jessie Swift Dog, Alex High Hawk, Charles Blue Arm, Solomon Afraid of Enemy, and Daniel Blue Hair, affidavit, September 1915, Walter Mason Camp Collection, Lilly Library, Indiana University, Bloomington, Indiana; Henry Jackson or Harry Kills White Man, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W; Rough Feather, statement, McGregor, *The Wounded Knee Massacre*, 99-100; John Little Finger, statement, McGregor, *The Wounded Knee Massacre*, 111; Richard Afraid of Hawk, statement, McGregor, *The Wounded Knee Massacre*, 121-22; Dog Chief, statement, McGregor, *The Wounded Knee Massacre*, 125.

³² Dewey Beard, statement, McGregor, *The Wounded Knee Massacre*, 97. See also White Lance, statement, no

gunshot before the soldiers opened fire.³³ Joseph Black Hair argued against “the reports of the soldiers [that] state that we the Indians that participated in this affair fired the first shot, and caused injury.” The official version claimed that “all at once [a warrior] pulled out from under his blanket a gun which he kept concealed and with it killed a soldier, for this reason they fired on those that were gathered in the center.” Black Hair rejected this explanation, contending that all of the warriors’ weapons had been confiscated prior to the soldiers opening fire.³⁴

Strikingly, none of the survivors mentioned the Ghost Dance or a medicine man in their accounts. As noted in Chapter 3, statements given by survivors of atrocities should not be seen as fixed or stable. Rather, they should be interpreted as fluid and part of the ongoing process of finding the best words and methods to represent the horrors of their experience. The earliest Lakota accounts of Wounded Knee said essentially nothing about the role of Ghost Dance in the lead-up to the killings. Some of these statements, however, acknowledged that a medicine man addressed the young warriors just prior to the outbreak of fighting, although none of the relators could hear what he was saying (discussed in Chapter 1). As the survivors began dictating extended accounts to sympathetic whites in the early twentieth century, they addressed the Ghost Dance directly. Beard, for example, recognizing that many whites interpreted the dance as a “fanatical” movement that cultivated “hostility” toward the United States, represented his family as skeptical Ghost Dancers and Big Foot as peaceful despite his advocacy of the dance. He and other Pine Ridge survivors acknowledged the presence of the medicine

date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W, and Peter Stand, statement, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W.

³³ Charley Blue Arm, statement, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W.

³⁴ Black Hair, statement, McGregor, *The Wounded Knee Massacre*, 123. See also Donald Blue Hair, statement, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W; James Pipe on Head, statement, McGregor, *The Wounded Knee Massacre*, 99; Louis Weasel Bear, statement, McGregor, *The Wounded Knee Massacre*, 101.

man, but insisted that the holy man's actions played no role in the outbreak of shooting. On the other hand, the Cheyenne River survivors omitted the Ghost Dance and the medicine man altogether in their accounts, a tactic that Beard and Horn Cloud partially adopted in their later affidavits (see Chapter 3). By the 1930s, this was the survivors' dominant narrative approach to Wounded Knee.

For the warriors standing or sitting in the circle, the soldiers' initial volley brought chaos and death. Peter Stand recalled hearing someone yell in Lakota for everyone to hit the ground.³⁵ Some lost consciousness and fell, awaking later surrounded by dead relatives.³⁶ Charlie Blue Arm recalled standing around "the truce flag, or white flag, that we had was stuck in the mud. . . . I noticed that all the Indians were lying about dead under the truce flag."³⁷ Several commented on the smoke from the soldiers' guns that obscured their vision, as they ran blindly into the fog. George Running Hawk recalled: "I became unconscious, lost my mind. I must have been running, not knowing anything, out of my mind. First thing I became conscious like, I was down here at the creek."³⁸ White Lance, for example, remembered seeing "Big Foot lying down with blood on his forehead and his head kinda to the right side. I never heard that they take advantage of a sick man." Others described flying bullets, their friends falling dead all around them, and seeing bodies piling up.³⁹

³⁵ Peter Stand, statement, McGregor, *The Wounded Knee Massacre*, 116.

³⁶ Richard Afraid of Hawk, statement, McGregor, *The Wounded Knee Massacre*, 122; Dog Chief, statement, McGregor, *The Wounded Knee Massacre*, 125.

³⁷ Charley Blue Arm, statement, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W. See also Dewey Beard, statement, McGregor, *The Wounded Knee Massacre*, 97.

³⁸ George Running Hawk, statement, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W; Bertha Kills Close to Lodge, statement, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W; Donald Blue Hair, statement, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W; Peter Stand, statement, McGregor, *The Wounded Knee Massacre*, 116; Rough Feather, statement, McGregor, *The Wounded Knee Massacre*, 100; White Lance, statement, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W.

³⁹ Bertha Kills Close to Lodge, statement, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W; Donald Blue Hair, statement, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W; George Running Hawk, statement, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W; Peter Stand, statement, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W;

When the women and children heard the crash of gunfire, they fled for safety. Nellie Knife, who was about twenty years old in 1890, recounted having to leave behind a young girl, Brown Ear Horse, who was shot. Knife described her helplessness as “the wife of One Skunk . . . screamed and cried” after being shot, “but I could not help her as the bullets were flying thick and I wanted to get to a safe place.”⁴⁰ Frank Sits Poor, who was too young to be called to the circle with the men, remembered “sitting in a teepee and all at once it sounded to me like a crash of lightening as though wire was falling over the teepee.” Upon exiting the tent, a soldier pointed his gun at him, but Sits Poor inexplicably escaped.⁴¹ James Pipe on Head, who was about ten in 1890, recalled seeing his baby sister shot, while she was strapped in a papoose on her mother’s back.⁴² Henry Jackson, who was perhaps six years old at the time of Wounded Knee, carried traumatic memories of his mother being shot in the head. “I have never said anything about this. I didn’t like to on account of my mother who was shot right with me and it appears that it just happened this morning; it makes me feel bad.”⁴³

Some Lakotas escaped the torrent of bullets and found safety in a nearby ravine. Yet the refuge soon turned into a death trap. The survivors recalled that two cannons on the nearby hill rained exploding shells into their hiding place, while soldiers positioned themselves on both sides of the ditch

Rough Feather, statement, McGregor, *The Wounded Knee Massacre*, 100; White Lance, statement, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W; Dewey Beard, statement, McGregor, *The Wounded Knee Massacre*, 97; Richard Afraid of Hawk, statement, McGregor, *The Wounded Knee Massacre*, 122; Dog Chief, statement, McGregor, *The Wounded Knee Massacre*, 125.

⁴⁰ Nellie Knife, statement, McGregor, *The Wounded Knee Massacre*, 130. See also Louise Weasel Bear, statement, McGregor, *The Wounded Knee Massacre*, 101 and Mary Mousseau, statement, McGregor, *The Wounded Knee Massacre*, 105-106.

⁴¹ Frank Sits Poor, statement, McGregor, *The Wounded Knee Massacre*, 121.

⁴² James Pipe on Head, statement, McGregor, *The Wounded Knee Massacre*, 99.

⁴³ Henry Jackson or Harry Kills White Man, statement, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W. See also James Hi Hawk, statement, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W, and Edward Owl King, statement, McGregor, *The Wounded Knee Massacre*, 108.

and fired at the huddled people.⁴⁴ John Little Finger remembered that “there was a lot of Indians following up the ravine and I was with them, and on each side of this ravine soldiers were shooting down on us. . . . Most of [people hiding] were women and children and, of course, defenseless and helpless; above them the soldiers just got near them and shot these people down.”⁴⁵ Peter Stand recalled hiding with about sixty Lakotas in the ravine; only eleven came out alive.⁴⁶ Little Finger described hearing a voice call out in Lakota that it was safe to come out. When he emerged, he saw soldiers executing survivors. The soldiers “lost their bravery and started to run” when a group of Pine Ridge Lakotas, including Black Elk, arrived at the scene.⁴⁷

James Hi Hawk interpreted the massacre as a grave wrong committed by the United States against the sovereign Lakota nation. “Did not our forefathers and the United States Government,” he queried, “say in that most sacred treaty of April 29, 1868 . . . [that] ‘From this day forth all wars between the parties to this agreement, shall cease forever’”? He argued that “this Massacre is absolutely a grave injustice and disgraceful act committed against Big Foot’s band by the United States Army. It is the most shameful, cowardly and treacherous killing ever staged by [the] United States Government. In my opinion, it [was not] warfare but a cold blooded murder.”⁴⁸ Hi Hawk’s interpretation reflected the increased consciousness of treaties that emerged among Indian activists in

⁴⁴ Charley Blue Arm, statement, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W; Alice Dog Arm or Kills Plenty, statement, McGregor, *The Wounded Knee Massacre*, 114; Bertha Kills Close to Lodge, statement, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W; White Lance, statement, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W; Dewey Beard, statement, McGregor, *The Wounded Knee Massacre*, 97; Edward Owl King, statement, McGregor, *The Wounded Knee Massacre*, 108.

⁴⁵ John Little Finger, statement, McGregor, *The Wounded Knee Massacre*, 112.

⁴⁶ Peter Stand, statement, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W.

⁴⁷ John Little Finger, statement, McGregor, *The Wounded Knee Massacre*, 112. See also Dog Chief, statement, McGregor, *The Wounded Knee Massacre*, 125.

⁴⁸ James Hi Hawk, statement, McGregor, *The Wounded Knee Massacre*, 127. See also James Hi Hawk, statement, no date, Wounded Knee Massacre Claims, No. 31678—1920—260, RG 75, NARA-W.

the wake of World War I and in the growing number of claims for treaty violations submitted to the Court of Claims in the 1920s.⁴⁹ Rooting his memory of Wounded Knee within the historical obligations of the 1868 Treaty of Fort Laramie, Hi Hawk provided a framework for the Lakotas' claim that the United States was legally liable for Wounded Knee.

Pursuing Congressional Compensation

As early as 1903, the survivors determined to seek out “good men” who would advocate their compensation claims. A succession of these “good white people”—James R. Walker, Eli S. Ricker, Walter Mason Camp, and Melvin R. Gilmore—had recorded the survivors' statements and expressed sympathy for the Lakotas' sufferings at Wounded Knee. But it wasn't until Joseph Horn Cloud and Dewey Beard recruited retired Lieutenant General Nelson A. Miles that the survivors had found a powerful supporter of their claims. Miles's influence only extended so far, however, as the Indian Office was dubious about the survivors' claims. Prior to McGregor, no reservation agent had supported the Lakotas' arguments so vigorously.⁵⁰ Through McGregor's advocacy, the survivors convinced South Dakota Congressman Theodore Werner, Commissioner of Indian Affairs John Collier, and Acting Secretary of the Interior Charles A. West to support compensation, in spite of the Department of War's manifest opposition to the proposal.

McGregor's initial inquiry into the feasibility of compensation was met with skepticism. On April 3, 1933, McGregor asked his friend Joseph Coursey, an attorney in Rapid City, South Dakota, for his legal opinion. The superintendent argued “that the Indians were gr[i]evously wronged and some

⁴⁹ Paul C. Rosier, *Serving Their Country: American Indian Politics and Patriotism in the Twentieth Century* (Cambridge: Harvard University Press, 2009), 42-70.

⁵⁰ For the survivors' authorization of McGregor to pursue their claims, see James Pipe on Head, Charles Blindman Sr., Louis Iron Hawk, Richard Afraid of Hawk, Jackson He Crow, Alfred Frog, Peter Stands, and John Little Finger, Resolution, February 14-15, 1933, Main Decimal Files, 036 Departmental Relations War Department, RG 75, NARA-KC.

amends should be made for them even at this late date” and inquired into the survivors’ chances.⁵¹

Coursey’s response was pessimistic. He considered the likelihood of success for such a claim “beyond [his] wildest dreams,” claiming he had a million (unspecified) reasons why it would fail.⁵²

McGregor also sought the Indian Office’s support. He explained in a letter to Washington that the Seventh Cavalry had made “an unwarranted attack upon [the Lakotas] after they were disarmed. . . . I believe that certain Indians are entitled to have their case presented in legal form with a view of being properly re-munerated.”⁵³ Recently appointed Commissioner of Indian Affairs John Collier, however, was doubtful Congress would consider the proposal. Collier argued that since “the War Department claims that the Big Foot band was hostile and that this was a battle instead of a massacre,” it was unlikely that the government would compensate those deemed former enemies of the United States.⁵⁴ This reasoning had stymied the survivors’ previous claims for compensation (discussed in Chapter 3). The superintendent persisted in his efforts to recruit Commissioner Collier, however, explaining in a December 18, 1933, letter that

I think I hold a different idea of this unfortunate incident to most white people, as I have made a special study of it, and it is my belief that a very grave and irreparable wrong was done to Big Foot and his band of Sioux Indians on December 29, 1890. I have talked to many of the survivors, talked to some that are carrying lead yet that was fired into them without provocation, and am convinced that these people have a just claim against the Government.

McGregor acknowledged that the army would stand by its official explanations, but he was confident that the survivors’ statements could prove that they were not “hostile” on December 29, 1890. “There is

⁵¹ James H. McGregor to Joseph Coursey, April 3, 1933, Main Decimal File, 053 Historical Data 1932-1938, RG 75, NARA-KC.

⁵² Joseph Coursey to James H. McGregor, April 11, 1933, Main Decimal File, 053 Historical Data 1932-1938, RG 75, NARA-KC.

⁵³ James H. McGregor to CIA C. J. Rhodes, April 3, 1933, Main Decimal File, 053 Historical Data 1932-1938, RG 75, NARA-KC.

⁵⁴ John Collier to James H. McGregor, May 8, 1933, Main Decimal File, 053 Historical Data 1932-1938, RG 75, NARA-KC.

an old Indian woman living in the district, who has a very badly crippled arm caused by a gun-shot wound on that memorable day. She has gone through life a cripple, yet she did no Government official any wrong.” McGregor remained hopeful the Office would support the survivors’ claims.⁵⁵

Even without explicit support in Washington, the survivors pushed ahead with their plans. They met on February 24, 1934, to draft a “Justification of a Relief Bill for the Survivors of the Wounded Knee Massacre,” a title that reflected the New Deal jargon of the decade. Following James Hi Hawk’s logic, the document framed the massacre as a violation of the first article of the 1868 Treaty of Fort Laramie, which had declared that war between the United States and the Lakota nation would “forever cease.” Like many of the survivors’ statements to McGregor, the “Justification for a Relief Bill” omitted discussion of the Ghost Dance, affirmed Big Foot’s peaceful mission, described the Lakotas’ cooperation with the Seventh Cavalry’s demand for their weapons, and represented the troops as slaughtering defenseless men, women, and children. “From the facts of this massacre the US soldiers representing the Government violated the Government’s own agreement when they killed Big Foot and his band, and therefore should pay indemnity or some such consideration to the survivors.”⁵⁶

With the “Justification of a Relief Bill” in hand, McGregor approached South Dakota Representative Theodore Werner (D) as a potential sponsor of a bill. In the early twentieth century, the survivors had been essentially on their own during the Indian Office’s investigations. The prospect of gaining the support of a congressman was beyond their possible expectations. Yet with the passage of the Indian Citizenship Act in 1924 (discussed above), South Dakota’s representatives found it worthwhile to hear their Lakota constituents’ concerns. McGregor informed the congressman that

⁵⁵ James H. McGregor to John Collier, December 18, 1933, Main Decimal File, 053 Historical Data 1932-1938, RG 75, NARA-KC. McGregor likely referred to Mary Mousseau (McGregor, *The Wounded Knee Massacre*, 105).

⁵⁶ Justification of a Relief Bill, ca. February 26, 1934, English translation, Main Decimal File, 053 Historical Data 1932-1938, RG 75, NARA-KC. See also Wounded Knee Survivors Association, minutes, February 26, 1934, Main Decimal File, 053 Historical Data 1932-1938, RG 75, NARA-KC; James H. McGregor to James Pipe on Head, May 10, 1934, Main Decimal File, 053 Historical Data 1932-1938, RG 75, NARA-KC.

Wounded Knee should be considered a massacre, not a battle, and that the survivors had organized in hopes that they “might be paid something for the wrongs they suffered.” The superintendent suggested that the “Justification of a Relief Bill” could be used to convince Congress to right the wrong committed by the Seventh Cavalry in 1890.⁵⁷ On October 18, 1934, the congressman informed McGregor that he had read the survivors’ statement and that he would introduce a compensation bill.⁵⁸

Encouraged by Werner’s response, Cheyenne River denizens James Hi Hawk and Philip Blackmoon, along with Pine Ridge resident Richard Afraid of Hawk, drafted a sample bill on June 20, 1935. The document described Big Foot’s band as a group of Lakotas who were guaranteed protection under the Fort Laramie and subsequent treaties. In violation of the treaties, these Lakotas suffered “the inexcusable and terrible disaster of Chief Big Foot and his Band under the hands of the United States Army, December 29, 1890, known as the Wounded Knee Massacre.” The bill called for \$50,000 for each Lakota killed, including unborn children, as well as \$75 per month, retroactive to 1890, for wounded survivors.⁵⁹

Werner, realizing that such a bill would never pass Congress, crafted H.R. 11778, which framed Wounded Knee as a “liability” that the US government was obligated to “liquidate.” He drastically lowered the proposed figures to \$1,000 per victim, to be paid to the heirs, and \$1,000 per wounded survivor (or heir), and submitted the bill on March 12, 1936. Although Werner reduced the compensation to appease non-Natives, his decision to present a bill that would “liquidate the liability of the United States for the massacre of Sioux Indian men, women, and children at Wounded Knee on

⁵⁷ James H. McGregor to Theodore Werner, May 10, 1934, Main Decimal File, 053 Historical Data 1932-1938, RG 75, NARA-KC.

⁵⁸ Theodore B. Werner to James H. McGregor, August 28, 1934, Main Decimal File, 053 Historical Data 1932-1938, RG 75, NARA-KC; Theodore B. Werner to James H. McGregor, October 18, 1934, Main Decimal File, 053 Historical Data 1932-1938, RG 75, NARA-KC.

⁵⁹ James Hi Hawk, Philip Blackmoon, and Richard Afraid of Hawk, Justification for a Relief Bill, draft, June 20, 1935, Main Decimal File, 053 Historical Data 1932-1938, RG 75, NARA-KC.

December 29, 1890,” demonstrated that the Lakotas had succeeded in publicly naming the 1890 engagement a massacre and framed the event as a wrong that the government was obligated to correct. Werner’s legislation was therefore a significant departure from the responses of previous government officials to the survivors’ claims.⁶⁰ Furthermore, the bill also showed that the army was losing its power to control how the deaths at Wounded Knee were defined in government documents.

The War Department, unsurprisingly, opposed the bill. Acting Secretary of War Malin Craig articulated his opposition to Daniel W. Bell, Roosevelt’s head of the Bureau of the Budget (precursor to the Office of Management and Budget), perhaps believing that having Bell oppose the bill on budgetary grounds would effectively kill the bill. Craig quoted liberally from his predecessor Redfield Proctor’s analysis of the January 1891 inquiry into Colonel James W. Forsyth’s conduct, claiming the report contained all of the “pertinent facts” relating to Wounded Knee. As discussed in Chapter 1, Proctor portrayed Big Foot’s band as “savage fanatics” and alleged that the Lakotas had not surrendered sincerely.⁶¹ During the disarmament, a Ghost Dance medicine man provoked the warriors into attacking the soldiers, who patiently endured heavy fire before fighting back. Proctor contended that the warriors themselves were responsible for the deaths of women and children, since “their first fire was so directed that every shot that did not hit a soldier must have gone through their own village.” Furthermore, Proctor argued, “it is impossible to distinguish buck from squaw at a little distance when mounted,” thereby excusing any soldier who might have shot and killed a fleeing woman. In addition,

⁶⁰ Theodore B. Werner to James H. McGregor, July 18, 1935, Main Decimal File, 053 Historical Data 1932-1938, RG 75, NARA-KC; James H. McGregor to James Pipe on Head, August 2, 1935, Main Decimal File, 053 Historical Data 1932-1938, RG 75, NARA-KC; James H. McGregor to Theodore B. Werner, August 2, 1935, Main Decimal File, 053 Historical Data 1932-1938, RG 75, NARA-KC; Theodore B. Werner to James H. McGregor, August 9, 1935, Main Decimal File, 053 Historical Data 1932-1938, RG 75, NARA-KC; A Bill to Liquidate the Liability of the United States for the Massacre of Sioux Indian Men, Women, and Children at Wounded Knee on December 29, 1890, HR 11778, March 12, 1936, 74th Cong., 2nd sess., copy in Wounded Knee Massacre-Indian File, Francis H. Case Collection, University Archives, McGovern Library, Dakota Wesleyan University, Mitchell, South Dakota.

⁶¹ Malin Craig to Daniel W. Bell, June 3, 1936, in *Hearings Before the Subcommittee on Indian Affairs*, HR 2535, To Liquidate the Liability of the United States for the Massacre of Sioux Indian Men, Women, and Children on December 29, 1890, 75th Cong., 3rd sess., March 7, and May 12, 1938 (Washington, DC: Government Printing Office, 1938), 4.

Forsyth's officers repeatedly had instructed their men not to shoot noncombatants. Proctor dismissed claims that friendly fire accounted for army casualties, concluding that the soldiers had acted with "coolness, discretion, and forbearance."⁶²

Craig also reproduced portions of Major General Nelson A. Miles' damning critiques of Forsyth, but then ignored them in favor of Major General John M. Schofield's report, which rejected Miles' conclusions.⁶³ Craig concluded that since the War Department had already investigated the matter thoroughly, "there appears to be no reason why the surviving Sioux Indians or their next of kin should be reimbursed by the United States Government for the result of an action for which, insofar as the records of the Department show, they were responsible."⁶⁴ Craig's negative assessment of the compensation bill showed that, due to the survivors' growing influence, the army was forced to defend the memory of Wounded Knee encoded in its written reports. Budget director Bell, influenced at least in part by Craig's letter, informed the Committee on Indians Affairs that the bill "would not be in accord with the program of the President."⁶⁵ In spite of this opposition, Acting Secretary of the Interior Charles W. West supported the bill in June 1936. The Interior Department's approval was necessary before the bill could advance to committee. West's support was therefore crucial for the legislation's advancement. However, the support came too late to schedule a hearing, as the Seventy-fourth Congress expired on June 20, 1936. With this foundation in place, however, the survivors had reason to be optimistic of the bill's progress in the next session of congress.⁶⁶

⁶² Craig to Bell, June 3, 1936, in HR 2535, *Hearings*, 5.

⁶³ Craig to Bell, June 3, 1936, in HR 2535, *Hearings*, 6-7.

⁶⁴ Craig to Bell, June 3, 1936, in HR 2535, *Hearings*, 7.

⁶⁵ Charles W. West to Will Rogers, April 28, 1937, HR 2535, *Hearings*, 4. On Roosevelt's (generally negative) views on granting compensation for past wrongs, see Rosenthal, *Their Day in Court*, 75-76.

⁶⁶ West to Rogers, April 28, 1937, HR 2535, *Hearings*, 3.

Debating the United States' Liability for Wounded Knee

During the fall 1936 elections, Republican journalist Francis H. Case defeated Werner and replaced him as Representative for South Dakota.⁶⁷ Despite his differing party affiliation, Case promoted his predecessor's bill with gusto, successfully guiding it through the first several steps of the complicated legislative process during his first year in office. Progress in Washington, however, paralleled discontent in South Dakota. Although the Lakotas understood that monetary reparations could never replace their deceased relatives, the survivors splintered over what dollar amount could satisfy the United States' "liability" at Wounded Knee. The division roughly reflected the survivors' geographic separation, as the Pine Ridge Lakotas supported the existing compensation figure of \$1,000 per victim, while the Cheyenne River group opposed the bill, arguing that such a figure was an insult to their relatives killed at Wounded Knee.

The Republican Case opposed the Indian New Deal of the 1930s, on the grounds that the program's support for cultural pluralism and self-government undermined the United States' long-time assimilation policy. Ironically, it was Case's advocacy of assimilation that led him to support the survivors' compensation claims, since he believed that lingering frustrations over past wrongs impeded entrance into the mainstream of American society. Guided by this general philosophy, Case introduced multiple bills in Congress to establish the Indian Claims Commission (ultimately created in 1945), which would settle outstanding suits stemming from treaty violations and other past wrongs. He believed this was essential to legitimate the government in the eyes of Native claimants, and in the process encourage assimilation and good citizenship.⁶⁸

⁶⁷ Francis H. Case, *Biographical Directory of the United States Congress*, accessed October 19, 2012, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=C000221>.

⁶⁸ Nancy Lee Lamport, "Francis Case: His Pioneer Background, Indian Legislation, and Missouri River Conservation," (master's thesis, University of South Dakota, 1972), 36; Richard R. Chenoweth, "Francis Case: A Political Biography," *South Dakota Historical Collections* 39 (1976-78): 322-25.

Case re-introduced Werner's bill as H.R. 2535 early in the first session of the Seventy-Fifth Congress.⁶⁹ Before the bill could be presented for a vote on the House floor, it would need to pass through several layers of preliminary examination and approval. First, the Department of the Interior needed to again study and endorse the legislation. Second, the House Committee on Indian Affairs would then form a subcommittee to hold hearings. Third, the entire Indian Affairs Committee would need to approve it, at which point the bill would go to the House floor. Completing each phase was a time consuming process, with potential obstacles every step of the way.

Although Case successfully maneuvered his bill through the first stages, the survivors themselves became divided over whether to support H.R. 2535 or demand greater monetary recognition from the government for the wrongs of Wounded Knee. On February 12, 1937, James Hi Hawk, a rancher living on the Cheyenne River Reservation, sent Case a scathing indictment of the Seventh Cavalry's conduct at Wounded Knee and American society's whitewashing of the event. Hi Hawk condemned the soldiers who "cover[ed] up their cowardly killing and murdering" by calling the event a "battle," as well as "teachers and professors [who] teach it in schools [as] 'The Battle of Wounded Knee.'" Interpreting the slaughter through biblical images, the Congregationalist contended that "God cannot excuse their awful deed, he has (God) heard the voices of the men, women and children blood's crieth [*sic*] unto him from the ground. He will avenge for those poor innocent peace and home loving people that were inhumanely murdered in 1890."⁷⁰ Hi Hawk contended that Wounded Knee was a

⁶⁹ A bill to liquidate the liability of the United States for the massacre of Sioux Indian men, women, and children at Wounded Knee on December 29, 1890, HR 2535, January 11, 1937, 75th Cong., 1st sess., Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

⁷⁰ J. E. Hi Hawk to Francis Case, February 12, 1937, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU. On Hi Hawk, see *National Council of the Congregational Churches of the United States, 18th Regular Meeting, Grand Rapids, Michigan, October 21-29, 1919* (New York: Office of the National Council, 1919), 67; *South Dakota's Ziebach County, History of the Prairie* (Dupree, SD: Ziebach County Historical Society, 1982), accessed July 9, 2013, <http://files.usgwarchives.net/sd/ziebach/history/z-hst-21.txt>. At some point, probably in the 1920s, Hi Hawk simplified the spelling of his surname from "High Hawk" to "Hi Hawk."

massacre of historic proportions and the United States needed to be held accountable. However, “the relief bill drafted by Mr. Werner was not in harmony with majority of the living survivors. He worded it to suit himself and, merely to pass the bill in order to stick a feather in his hat. . . . We realized that the Werner Relief Bill was rather insufficient in the amount as liquidated against the United States.” Once the government offered reasonable compensation, the remaining survivors “will be consoled, and in our infirm ages will have been comforted thru that benefit we have wished and seeked for, in vain.” “An entirely new indemnity bill,” one that would be acceptable to the survivors, was necessary.⁷¹

Case responded with surprise, stating to Hi Hawk that “you are the first one who has written me this way about the previous bill not being satisfactory.” It was the congressman’s understanding that the survivors’ attorneys and representatives had drawn up the bill, and that Werner simply introduced what they gave him. An exasperated Case explained that he had resubmitted the bill early in the session in order to get it on track toward passage, but he nonetheless encouraged Hi Hawk and the other survivors to discuss possible changes and, if necessary, even a whole new bill. The representative cautioned, however, that the other members of Congress would likely find Werner’s bill—with its lower price tag—more palatable than the survivors’ alternative.⁷²

Hi Hawk, despite his confident tone, did not speak for other survivors, especially outside of his sphere of influence on the Cheyenne River Reservation. Even as he was writing Case to oppose the legislation, the Pine Ridge group began choosing delegates to testify in support of Case’s bill, ultimately selecting Dewey Beard and James Pipe on Head.⁷³ Beard, as noted in previous chapters, had

⁷¹ Hi Hawk to Case, February 12, 1937, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

⁷² Francis Case to J. E. Hi Hawk, February 18, 1937, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

⁷³ Francis Case to Louis Iron Hawk, February 5, 1937, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU; Henry Standing Bear to Francis Case, March 4, 1937, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU; James Pipe on Head to Francis

long been active in the survivors' memory politics and had likely given more interviews on Wounded Knee than any other survivor. Pipe on Head was Big Foot's grandson and served as president of the Pine Ridge survivors' group.⁷⁴ In March, James Brown Dog, a Lakota non-survivor, began recording individual claims in anticipation of the passage of Case's bill. Since Brown Dog interviewed Cheyenne River survivors, Case had reason to believe that Hi Hawk's influence did not even completely extend over his own reservation community.⁷⁵

In April 1937, Case received good news. The House Committee on Indian Affairs, expecting a favorable report from the Interior Department, appointed a subcommittee to examine the bill, the Brown Dog claims, and ethnographer James Mooney's account of Wounded Knee.⁷⁶ Case also hoped that the Indian Office would approve a delegation to testify before the subcommittee and provide travel funds.⁷⁷ On April 28, the Interior Department, as predicted, issued a positive report on the bill. Acting Secretary Charles West based his assent on General Nelson A. Miles' 1917 letter to Indian Office officials (see Chapter 3), in which he argued that "the least the Government can do is to make a suitable

Case, April 14, 1937, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

⁷⁴ Technically, Pipe on Head was Big Foot's grandnephew, but in Lakota kin terms, he was the chief's grandson (see Mrs. Pipe on Head, statement, in James McLaughlin to Cato Sells, January 12, 1921, 10, photocopy in Wounded Knee Compensation Papers, SDSHS).

⁷⁵ John Brown Dog to Francis Case, March 25, 1937, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU; Francis Case to James Brown Dog, March 31, 1937, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU; James Brown Dog, statement, April 9, 1937, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU; James Brown Dog to Francis Case, April 17, 1937, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU; James Brown Dog to Francis Case, April 20, 1937, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

⁷⁶ Francis Case to Ralph Case, April 1, 1937, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU; Francis Case to James Brown Dog, April 26, 1937, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

⁷⁷ Francis Case to Charles Blindman, Sr., April 2, 1937, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU; Ralph Case to Francis Case, April 29, 1937, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

recompense to the survivors . . . for the great injustice which was done them and the serious loss of their relatives and property.”⁷⁸ West also quoted Lakota leaders Turning Hawk’s and American Horse’s 1891 statements before Commissioner of Indian Affairs Thomas J. Morgan, Mooney’s “authoritative historical work” (both discussed in Chapter 2), and the Indian Office’s 1920 investigation, which concluded that that the army was responsible for the loss of property after the massacre (Chapter 3).⁷⁹ Based on these sources, West was convinced that Wounded Knee was a “massacre[,] pure and simple,” which “can be viewed as both an injury to the individuals who were killed or wounded and as an injury to the entire Sioux tribe.”⁸⁰ April 1937 therefore saw several important milestones for Case’s bill.

Simultaneously, however, Hi Hawk asked Case “to disregard all former Bills” until the survivors reached agreement.⁸¹ In mid-May, Hi Hawk accused the Pine Ridge survivors of “being in a state of faction,” and singled out James Pipe on Head as someone who “was doing considerable letter writing [*sic*] to Washington without the consent or knowledge of most of the Pine Ridge Survivors.” Hi Hawk also complained that many in the Pine Ridge group continued to support the Werner bill. “Evidently there is a lack of intelligence amongst our people—any average white or Sioux can swayed [*sic*] them as he wanted whether or not it was best for the Sioux. That idea seems to [have] prevailed especially among the Southern group.”⁸² This geographic division manifested itself in the different names preferred by each group. As noted in Chapter 3, the Cheyenne River survivors had previously organized as the Big Foot Survivors Association, a name they continued to use throughout the 1930s.

⁷⁸ West to Rogers, April 28, 1937, HR 2535, *Hearings*, 2.

⁷⁹ West to Rogers, April 28, 1937, HR 2535, *Hearings*, 3.

⁸⁰ West to Rogers, April 28, 1937, HR 2535, *Hearings*, 2, 3-4.

⁸¹ J.E. Hi Hawk to Francis Case, April 8, 1937, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

⁸² J. E. Hi Hawk to Francis Case, May 17, 1937, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

The Pine Ridge survivors preferred the Wounded Knee Survivors Association, possibly to emphasize their proximity to the physical location of the killings.⁸³ Aside from his accusations against Pipe on Head, Hi Hawk also attempted to delegitimize James Brown Dog, arguing that the Cheyenne River survivors had not authorized him to record claims.⁸⁴

On June 5, 1937, Hi Hawk forwarded to Case a substitute bill. While not demanding the \$50,000 per victim as did the survivors' earlier proposal, the new legislation presented figures in excess of the \$1,000 in the standing bill. It asked for \$20,000 for each pregnant Lakota woman killed, \$15,000 for wounded Lakotas shot and killed after the fighting ended, and \$10,000 for other victims, paid to the heirs. The bill specified \$5,000 for wounded survivors and \$500 for survivors who escaped Wounded Knee without injuries.⁸⁵ Case thanked Hi Hawk for the new bill, but warned that "a large membership of the House" opposed "any Indian legislation. . . . I would like to get everything that you suggest, but what we want and what we can get from Congress may be two different things, as you understand."⁸⁶ Although Case was a committed advocate of the survivors' memories of Wounded Knee, he remained skeptical that their ideas of just compensation would find broad support in Congress.

In early July 1937, Case consulted with the Lakota tribal attorney, Ralph Case (no relation), who for a decade and a half had prosecuted the Lakotas' claim to the Black Hills. The attorney

⁸³ On the continued use of Big Foot Survivors Association, see James Hi Hawk, Philip Blackmoon, and Richard Afraid of Hawk, Justification for a Relief Bill, draft, June 20, 1935, Main Decimal File, 053 Historical Data 1932-1938, RG 75, NARA-KC; J. E. Hi Hawk to Francis Case, June 5, 1937, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU. On the use of the Wounded Knee Survivors Association name or close variant, see James Pipe on Head, Charles Blindman Sr., Louis Iron Hawk, Richard Afraid of Hawk, Jackson He Crow, Alfred Frog, Peter Stands, and John Little Finger, Resolution, February 14-15, 1933, Main Decimal Files, 036 Departmental Relations War Department, RG 75, NARA-KC and Scott Hart, "The Federal Diary," *Washington Post*, August 8, 1937, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

⁸⁴ J. E. Hi Hawk to Francis Case, May 17, 1937, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

⁸⁵ J. E. Hi Hawk to Francis Case, June 5, 1937, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

⁸⁶ Francis Case to J. E. Hi Hawk, June 29, 1937, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

demonstrated, in Jeffrey Ostler's language, "a real passion" for his clients' issues, "one grounded in his personal empathy."⁸⁷ After reading the substitute bill, Ralph Case recommended postponing a hearing until the survivors came to an agreement, since the current congressional session would end in August. Personally, the attorney had "no illusions about the recommendations. They will not be in legislative form, nor will they in any way be adoptable."⁸⁸ Representative Case informed Hi Hawk that they would wait until the following year, explaining that since so much time had passed since 1890, "we would like to have the bill as nearly right as possible."⁸⁹ The two Cases likely hoped that they could appease Hi Hawk while convincing the other survivors that H.R. 2535 was the best available option. Case met with survivors on both reservations that fall (the exact date remains unknown), where he recommended against changing his bill, since the Secretary of the Interior had already approved it and altering it would likely lessen its chances of passing Congress.⁹⁰ Survivor Louis Iron Hawk later explained that the majority of the survivors preferred Case's bill over Hi Hawk's, since they were aging and fearful of dying before a compensation bill passed.⁹¹

Help Us to Forget the Whole Wounded Knee Affair

Five years after giving their statements to McGregor, the remnant of Big Foot's band would finally have their day in the spotlight, defending their people before Congress and demanding that the

⁸⁷ Jeffrey Ostler, *The Lakotas and the Black Hills*. The Penguin Library of American Indian History (New York: Viking, 2010), 136.

⁸⁸ Francis Case to Ralph Case, July 6, 1937, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU; Ralph Case to Francis Case, July 9, 1937, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

⁸⁹ Francis Case to J.E. Hi Hawk, July 10, 1937, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

⁹⁰ See Francis Case to James Pipe on Head, December 28, 1937, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU; Edward Stover to Francis Case, October 4, 1937, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

⁹¹ Leo Iron Hawk, ca. 1939, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

government take responsibility for a massacre. Reflecting traditional Lakota notions of conflict resolution, the witnesses argued that compensation would help the survivors symbolically “forget” the trauma of Wounded Knee and begin the healing process. Representative Case sought to make the Lakotas’ petition a reality, in spite of stiff opposition from the US Army and fiscal conservatives. The House Committee on Indian Affairs approved the bill in mid-1940, setting the stage for a historic debate on the House floor over the United States’ lingering liabilities from the nation’s violent dispossession of Native peoples. However, as Congress’s attention shifted away from domestic issues toward international affairs, Case and the Lakotas were left with a small margin of error to pass the bill.

In early 1938, as the third session of the Seventy-Fifth Congress commenced, the Indian Affairs Committee appointed John R. Murdock (D-AZ), Bruce Barton (R-NY), and Anthony J. Dimond (D-AK) to consider Case’s bill.⁹² Nearly half a century after witnessing the slaughter at Wounded Knee, James Pipe on Head and Dewey Beard prepared to testify in the seat of American power. It is noteworthy that Pipe on Head and Beard were both Pine Ridge survivors, perhaps indicating that Hi Hawk had succeeded in convincing his fellow Cheyenne River survivors to boycott the bill, or at least withdraw active support.⁹³ Pipe on Head’s and Beard’s testimonies represented the climax of the survivors’ half-century efforts to shape the public memory of Wounded Knee and would serve as the basis for subsequent committee debate over the bill.

The two Cases—Francis and Ralph—provided introductory remarks. Representative Case discussed Nelson A. Miles’ 1917 argument that the government should recompense the survivors “for

⁹² Francis Case to James Pipe on Head, March 10, 1938, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

⁹³ W.O. Roberts to Francis Case, February 23, 1938, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU; Jim Pipe on Head to Francis Case, February 26, 1938, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU. Charles White Wolf served as their interpreter.

the great injustice” they suffered on December 29, 1890.⁹⁴ Attorney Case anticipated common allegations that he and his legal colleagues had stirred up the Lakotas’ memories of Wounded Knee in order to make money. “This particular slaughter of women and children and unarmed men was, to our mind, so outrageous that we would not under any circumstances accept anything in the way of attorney’s fees from this Survivors Association. For that reason, we prefer that the record should show that this is one Indian claim that is not fomented nor engendered by attorneys for the tribe, but solely from the people themselves.”⁹⁵ The attorney then provided an overview of the history of Lakota relations with the United States, with the resulting land loss, treaty violations, and warfare with the US Army. He also suggested that at Wounded Knee, the Seventh Cavalry sought to avenge their fallen commander, Colonel George Armstrong Custer, who was killed at the Little Bighorn in 1876.⁹⁶

James Pipe on Head followed with an overview of Wounded Knee. Reflecting the narrative conventions then current in the 1930s, Pipe on Head omitted discussion of the Ghost Dance and began instead with Big Foot’s use of the white flag to signal his peaceful intentions.⁹⁷ Pipe on Head argued that the Minneconjous had “always maintained a friendly relationship with [whites].”⁹⁸ To aid his presentation, he displayed two paintings of Wounded Knee he had made with his brother. The first showed the location of the troops and the Lakotas on December 29, 1890, which demonstrated that the arrangement of the soldiers likely caused some friendly-fire deaths.⁹⁹ The second image showed snow-

⁹⁴ Francis Case, statement, HR 2535, *Hearings*, 9.

⁹⁵ Ralph Case, statement, March 7, 1938, HR 2535, *Hearings*, 8. On anti-attorney allegations, see Rosenthal, *Their Day in Court*, 22-27.

⁹⁶ Ralph Case, statement, March 7, 1938, HR 2535, *Hearings*, 8-16.

⁹⁷ Pipe on Head, statement, March 7, 1938, HR 2535, *Hearings*, 17.

⁹⁸ Pipe on Head, statement, March 7, 1938, HR 2535, *Hearings*, 21.

⁹⁹ Pipe on Head, statement, March 7, 1938, HR 2535, *Hearings*, 17.

covered bodies strewn across the ground.¹⁰⁰ Together, they portrayed before and after images of the killing field.¹⁰¹ He then described the disarmament, the soldiers' initial volley, and Big Foot's death. "After they had stuck up the flag of truce," Pipe on Head explained, "the people shed their blood. It was a case of slaughtering a bunch of defenseless mothers and some babies in the cradle." When the Lakotas sought refuge in a ravine, "the soldiers came up and told them it was all over and to get up. . . . They sat on top of the hill, in good spirit, and the soldiers surrounded them and shot them down again."¹⁰² Pipe on Head concluded by suggesting that passage of the bill would help alleviate suffering and poverty on the reservation.¹⁰³

Dewey Beard likewise emphasized Big Foot's peaceful intentions and the significance of the white flag. He recalled that his people "always had been told that when the white flag was stuck up there would be no trouble, and the people believed in that white flag."¹⁰⁴ After the soldiers had confiscated the Lakotas' weapons, they began firing on the fleeing men, women, and children. Beard himself was shot in the leg. He explained that "at that time my wife and I had a baby 22 days old, and right at the time when the firing started I missed my wife, and later I found out that she was shot through the breast. The little 22-day-old baby was nursing from the same side where the mother was wounded and the child was choked with blood. A few days afterwards the little boy died."¹⁰⁵ After hobbling away, Beard fell to the ground. The soldiers "knew that I was wounded and helpless, and they

¹⁰⁰ Pipe on Head, statement, March 7, 1938, HR 2535, *Hearings*, 18.

¹⁰¹ The paintings were reproduced in "Present the Bill for the Historic 'Wounded Knee Massacre,'" *American Weekly*, April 24, 1938, 11, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

¹⁰² Pipe on Head, statement, March 7, 1938, HR 2535, *Hearings*, 19.

¹⁰³ Pipe on Head, statement, March 7, 1938, HR 2535, *Hearings*, 21.

¹⁰⁴ Dewey Beard, statement, March 7, 1938, HR 2535, *Hearings*, 22.

¹⁰⁵ Beard, statement, March 7, 1938, HR 2535, *Hearings*, 22.

came and shot me all over again, in the breast.” He saw soldiers shooting other injured people, who likewise could not defend themselves.¹⁰⁶

Beard saw compensation as appropriate, considering the fact that Lakota young men had fought in World War I for the United States, the same “Government which some 47 years ago shot down their helpless unarmed grandfathers and grandmothers at Wounded Knee Creek.”¹⁰⁷ As Paul C. Rosier has argued, “Serving the interests of the United States as soldiers [in World War I] and as champions of its democratic ideals, Native Americans embraced the obligations of this relationship while demanding obligations in return, a mutually reinforcing set of commitments that animated their hybrid patriotism after the war.”¹⁰⁸ Beard’s language therefore reflected the complex relationship between the United States and indigenous peoples, as the Lakotas affirmed their loyalty and friendship while insisting the government not only accept their counternarrative of Wounded Knee, but also compensate the survivors for the wrong committed there.

Both Beard and Pipe on Head echoed traditional Lakota ways of conflict resolution when they argued that compensation could symbolically help the Lakotas “forget” Wounded Knee and heal the breach between the United States and the Lakota nation.¹⁰⁹ As Vine Deloria Jr. and Clifford M. Lytle have noted, “Criminal problems [such as murder] were resolved with an eye toward restitution, not retribution. . . . The primary consideration was to provide compensation for the victim’s relatives and to return the tribe, insofar as it was possible, to the original state of equilibrium.”¹¹⁰ Beard argued that

¹⁰⁶ Beard, statement, March 7, 1938, HR 2535, *Hearings*, 22.

¹⁰⁷ Beard, statement, March 7, 1938, HR 2535, *Hearings*, 24.

¹⁰⁸ Rosier, *Serving their Country*, 53.

¹⁰⁹ Pipe on Head, statement, March 7, 1938, HR 2535, *Hearings*, 21; Beard, statement, March 7, 1938, HR 2535, *Hearings*, 21-22.

¹¹⁰ Vine Deloria Jun. and Clifford M. Lytle, *American Indians, American Justice* (Austin: University of Texas Press, 1983), 162. See also David E. Wilkins and Heidi Kiiwetinepinesiik Stark, *American Indian Politics and the American Political System*, 3rd ed. (Lanham: Rowman and Littlefield, 2011), 74; Royal B. Hassrick, *The Sioux: Life and Customs of a*

because the army “has done what we call one of the biggest murders, . . . the United States must be ashamed of it, . . . because they never even offered to reimburse us or settle in any way.”¹¹¹ Beard pleaded with Congress to approve the bill, “and help us to forget the whole Wounded Knee affair.”¹¹²

After the hearing, Pipe on Head and Beard returned to Pine Ridge, with a letter from Case outlining for the Survivors Association what they had accomplished. The representative named the subcommittee members, identified the written materials that they had consulted beforehand (including Mooney’s writings and Brown Dog’s claims), and described how the court reporter recorded the survivors’ testimonies in short hand. “I want to compliment you and the other members of your delegation,” Case wrote to Pipe on Head, “on the good showing you made, and especially on the way in which your story as an eyewitness supported the evidence given by other testimony.” Case also cautioned the survivors that the bill still had a long road to travel before passage. The subcommittee would allow the army to respond to the survivors’ charges, and then the entire Committee on Indian Affairs needed to approve the bill. Case would then bring the legislation to the floor, but he warned that “it is very hard to get special Indian money bills through the Congress.” If passed by the House, the bill would go to the Senate and later the president, but Case was pleased with their progress.¹¹³

Case was also happy that the press had, for the most part, covered the hearing in a positive light. Not long after the survivors’ arrival in Washington, Commissioner Collier met with them, and newspapers widely reproduced photographs of their meeting.¹¹⁴ Collier himself published an editorial

Warrior Society (1964; repr., Norman: University of Oklahoma Press, 1967), 48-50.

¹¹¹ Beard, statement, March 7, 1938, HR 2535, *Hearings*, 21-22.

¹¹² Beard, statement, March 7, 1938, HR 2535, *Hearings*, 24.

¹¹³ Francis Case to James Pipe on Head, March 10, 1938, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

¹¹⁴ “Wounded Knee Survivors to Plead for Indemnity,” *Omaha World Herald*, March 5, 1938, 10; “Massacre Survivors Ask Government Cash,” *Omaha World Herald*, March 5, 1938, 30; “Wounded Knee Veterans,” *Time*, March 14, 1938.

describing their visit in the April 1938 edition *Indians at Work* (discussed above), copies of which Case forwarded to various interested parties.¹¹⁵ Incidentally, Collier also quoted from the survivors' testimonies in a 1939 speech to defend his Indian New Deal as a payment of the "nation's debt" for crimes like Wounded Knee.¹¹⁶ *American Weekly*, newspaper magnate William Randolph Hearst's illustrated magazine, published an article detailing the hearings on April 24, 1938, which included reproductions of the two images Pipe on Head displayed to the subcommittee.¹¹⁷ Case purchased and distributed the last one hundred copies of the article, explaining to recipients that *American Weekly* had the largest circulation in the world, with seven million subscribers.¹¹⁸ To one correspondent he noted that "we have been able to attract a good deal of attention and with the publicity we have received I am sure we have worked up a sentiment for the bill."¹¹⁹

On May 12, the subcommittee held another hearing to allow the War Department to respond, with Lieutenant Colonel R. H. Brennan defending the army's conduct at Wounded Knee. His remarks reflected prevailing assumptions among white Americans that they (and their ancestors) were innocent victims of indigenous aggression.¹²⁰ Brennan based his argument on army reports produced soon after

¹¹⁵ Collier, editorial, *Indians at Work* 5, no. 8 (April 1938): 1-2; John Collier to Francis Case, April 5, 1938, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU; Francis Case to Louie L. Lavatta, April 7, 1938, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU; Francis Case to James H. McGregor, April 12, 1938, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

¹¹⁶ As quoted in Rosier, *Serving Their Country*, 80.

¹¹⁷ "Present the Bill for the Historic 'Wounded Knee Massacre,'" *American Weekly*, April 24, 1938, 11, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

¹¹⁸ Francis Case to James Pipe on Head, May 3, 1938, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU; Francis Case to H. Merritt, May 9, 1938, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU; Francis Case to Frank G. Wilson, June 7, 1938, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

¹¹⁹ Francis Case to Charles Brooks, June 8, 1938, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

¹²⁰ Limerick, *The Legacy of Conquest*, 35-54.

Wounded Knee, which alleged that Big Foot's band had been "guilty of great treachery" when they fired on the soldiers. The women, furthermore, had concealed weapons during the disarmament, which they later used to attack the soldiers. He argued that it was not in the government's interests to compensate "people who were killed while under arms fighting against the Government." When asked about General Miles' 1917 characterization of Wounded Knee as a "massacre," Brennan replied that Miles was an elderly man in 1917, suggesting that his memory had become confused over the years.¹²¹ Contrary to Brennan's assertion, in 1891 Miles had portrayed Wounded Knee as the most "brutal, coldblooded massacre" in American history.¹²² Representative Case challenged Brennan on whether the government should compensate the Lakotas for the deaths of women and children. Knowing that Brennan had dismissed Miles' 1917 letter as unreliable, Case cited army reports and James Mooney's ethnographic work as contemporary evidence of soldiers pursuing and killing noncombatants. Brennan responded that the army disavowed responsibility for the people found dead miles away. In addition, he contended that the troops were unable to distinguish Indian women from men at a distance.¹²³

In spite of Brennan's best efforts to defend the army's official explanation for Wounded Knee, the subcommittee was far more concerned with whether granting compensation would set an unwise precedent for subsequent claims. Brennan himself argued that acquiescing to the survivors' demand for reparations would be "a tremendous reflection on the service to say that action that produces losses means a massacre of the other side," and would open the door for challenges to other controversial incidents involving the troops in the Indian Wars and the Philippine-American War.¹²⁴ Subcommittee

¹²¹ Brennan, statement, May 12, 1938, HR 2535, *Hearings*, 33-34.

¹²² Miles to G. W. Baird, November 20, 1891, quoted in Jerry Green, ed., *After Wounded Knee: Correspondence of Major and Surgeon John Vance Lauderdale while Serving with the Army Occupying the Pine Ridge Indian Reservation, 1890-1891* (East Lansing: Michigan State University Press, 1996), 33.

¹²³ Brennan, statement, May 12, 1938, HR 2535, *Hearings*, 36.

¹²⁴ Brennan, statement, May 12, 1938, HR 2535, *Hearings*, 38.

member John R. Murdock argued that there had been numerous Indian massacres in the West. “If we turn back the pages for 50 years,” Murdock asked, “and try to deal justly in these cases, will we be opening the door?”¹²⁵ Murdock’s question likely reflected the position that most Indian nations had legitimate grievances stemming from the United States’ conquest of the West, although there was disagreement over how to address their claims in a responsible way. Case responded that Wounded Knee was recent enough to make an exception, suggesting that he believed that some claims should be given priority. Case contended that the recentness of an atrocity mattered. Some massacres happened so long ago that granting redress to descendants, who may or may not have inherited their ancestors’ sufferings, made little sense. Although Wounded Knee happened nearly a half-century before, Case explained that “many of these claimants are living today and bear the marks of their wounds.”¹²⁶

Subcommittee members wondered if, in fact, other tribes had already pursued compensation for past massacres. George M. Paulus, representing the Indian Office’s Claims Section, testified at the hearing that the heirs of Piegan Chief Heavy Runner had petitioned the government to compensate them for the loss of life and property resulting from the 1870 Marias Massacre in Montana Territory.¹²⁷ Although reports that Colonel Eugene Baker’s US Second Cavalry massacred the wrong band caused some controversy in 1870, there was no serious investigation at the time. In 1913, Heavy Runner’s children filed claims arguing that the cavalry had confused their father’s peaceful Piegan band with a “hostile” one. The Piegan survivors convinced some low-level Indian Office bureaucrats and even two senators—Harry Lane (D-OR) and Thomas J. Walsh (D-MT)—to support their claim. Lane, and subsequently Walsh, introduced compensation bills in 1915, 1917, 1920, and 1921. However, the Indian Office and the Department of the Interior consistently opposed the bills, arguing that it was

¹²⁵ Rep. John R. Murdock, statement, May 12, 1938, HR 2535, *Hearings*, 41.

¹²⁶ Rep. Francis Case, statement, May 12, 1938, HR 2535, *Hearings*, 41-42.

¹²⁷ George M. Paulus, statement, May 12, 1938, HR 2535, *Hearings*, 43.

essentially impossible at that late date to reconcile the army's contemporary written reports and the survivors' memories.¹²⁸ Although the Heavy Runner legislation was never close to becoming law, the fact that another tribe had sought reparation for a massacre confirmed Murdock's suspicion that "dealing justly" with Wounded Knee would "open the door" for similar claims.

The subcommittee was unable to finish its report on the bill before the session expired on June 16, 1938, but an optimistic Case reintroduced the legislation as H.R. 953 in January 1939, early in the Seventy-sixth Congress.¹²⁹ Secretary of the Interior Harold L. Ickes wrote a new statement of support for the Interior Department on the new bill, paving the way for renewed consideration by the Indian Affairs Committee.¹³⁰ Based on the testimony taken in 1938 hearings and accompanying written materials, the Committee on Indian Affairs voted to approve the bill with amendments on July 19, 1939. In spite of Ralph Case's assurances, the committee expressly prohibited attorneys from profiting on the settlement. Additionally, the committee attached the amount awarded to wounded survivors to the Veterans Administration's rating scale, depending on the severity of the injury.¹³¹ Despite the army's attempts to block the Wounded Knee bill, which explicitly recognized the United States'

¹²⁸ See Joseph Kipp, statement, February 8, 1913; Arthur E. McFatridge to Commissioner of Indian Affairs, February 8, 1913; "A Bill to reimburse the heirs of Chief Heavy Runner on account of his death and property taken from him at the time of the Baker massacre," S. 7523, February 2, 1915, 63rd Cong., 3rd Sess.; First Assistant Secretary of the Interior to Henry F. Ashurst, February 20, 1915; T. J. Walsh to Dick Kipp, January 16, 1926; Charles H. Burke to Scott Leavitt, January 30, 1926; photocopies in "Claims of the Heirs of Chief Heavy Runner, SB 287, Letters & Affidavit," MF 53a-d, Montana Historical Society, Helena, Montana. I am indebted to Andrew Graybill for copies of these documents. See also Andrew R. Graybill, *The Red and the White: A Family Saga of the American West* (New York: W. W. Norton, forthcoming).

¹²⁹ A bill to liquidate the liability of the United States for the massacre of Sioux Indian men, women, and children, HR 953, January 3, 1939, 76th Cong., 1st sess., copy in Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

¹³⁰ Harold L. Ickes to Will Rogers, April 12, 1939, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

¹³¹ Francis Case to Ralph Case, July 19, 1939, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU; House Committee on Indian Affairs, Liquidating the Liability of the United States for the Massacre of Sioux Men, Women, and Children at Wounded Knee, Report 2317, May 28, 1940, HR 953, 76th Cong., 3rd sess., copy in Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

liability for the Seventh Cavalry's conduct on December 29, 1890, the legislation had made it out of committee. Swayed by the survivors' and Case's arguments, the committee members also overcame their concerns that successful passage could set a precedent for subsequent claims.

Despite this achievement, Case still faced significant obstacles in his efforts to shepherd the bill to passage in the House. First, Congress had lost its appetite for reform by the late 1930s. Commissioner Collier no longer held legislative influence, and bills favoring Natives had little chance of passage.¹³² Second, Case feared that anti-Indian racism and fiscal conservatism would kill the bill. "Too many members out of the 435 members make fun of all Indian bills and go home and tell their people how much money they have saved," the South Dakota representative noted in a letter to James Pipe on Head, "without considering whether the bill is just or not."¹³³ Case singled out Missouri Representative John C. Cochran as a significant opponent. Since he represented a state with a relatively small Indian population, Cochran had little incentive to support any legislation that favored Indians. Furthermore, as the chairman Committee on Expenditures in Executive Departments (now called the Committee on Oversight and Government Reform), he was especially wary of what he considered wasteful spending. Cochran was alarmed by the rising costs associated with Indian claims in the 1930s. He believed that the government had already spent too much money on Indians and he regularly opposed or tried to limit bills with monetary payments to tribes.¹³⁴ Case wrote to Cochran in hopes of convincing the congressman to consider the merits of the Wounded Knee bill, but to no avail.¹³⁵

¹³² See Alan Brinkley, *The End of Reform: New Deal Liberalism in Recession and War* (New York: Knopf, 1995); Francis Paul Prucha, *The Great Father: The United States Government and the American Indians* (Lincoln: University of Nebraska Press, 1984), 993-1012.

¹³³ Francis Case to James Pipe on Head, June 10, 1940, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

¹³⁴ Rosenthal, *Their Day in Court*, 64.

¹³⁵ Francis Case to John Cochran, May 31, 1940, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

Case also suspected that many representatives would vote against the bill solely on the US Army's opposition. In January 1939, just as he was reintroducing the Wounded Knee act, retired Brigadier General E. D. Scott published "Wounded Knee: A Look at the Record" in *The Field Artillery Journal*.¹³⁶ Scott, concerned over Pipe on Head's and Beard's 1938 appearance before Congress, decided "to examine the official records of the engagement" to counter the survivors' memories of a "massacre." Based on his analysis of the documents compiled by the 1891 court of inquiry, Scott concluded that the Seventh Cavalry had conducted themselves honorably and had earned their Medals of Honor. The retired general assumed that "the sworn evidence of eye-witnesses, obtained on the spot by a tribunal following the cool and impartial procedure prescribed by law and regulation" was far more "accurate" than "tales" recorded later.¹³⁷ In contrast, "under the guidance of a Washington lawyer," the Lakota witnesses had not told the truth in their testimonies, although Scott conceded that "they may believe [that] their recollections of what happened forty-seven years ago are accurate."¹³⁸ He could not envision a scenario where the Seventh Cavalry's officers would close ranks in order to defend their commander, and themselves, from charges of incompetency and murder. According to Scott, the contemporaneous written record was accurate and reliable, while the Lakotas, recounting from memory nearly a half century later, were confused at best by the passage of time.

Given these assumptions, it should not be surprising that Scott found in the record a complete vindication of the Seventh Cavalry and sufficient evidence to refute the survivors' arguments. He dismissed as unsubstantiated rumors claims that the cavalrymen had been drunk or that avenging

¹³⁶ E. D. Scott, "Wounded Knee: A Look at the Record," *Field Artillery Journal* 29, no. 1 (January-February 1939): 5-24.

¹³⁷ Scott, "Wounded Knee," 22.

¹³⁸ Scott, "Wounded Knee," 23.

Custer was their motivation.¹³⁹ The retired general ignored Miles' arguments that Forsyth had disobeyed orders and that the colonel's troop arrangement had resulted in friendly-fire deaths. Inexplicably, given his insistence on the reliability of the record, Scott ignored testimonies given before the court of inquiry that confirmed Miles' contentions.¹⁴⁰ Instead, he argued that the warriors' "attack on the troops," sparked by "a strange religious hallucination" was as "treacherous as any in the history of Indian warfare."¹⁴¹ When firing at the troops, the Lakota men's bullets overreached and killed their own women and children. If any soldiers did kill noncombatants, it was only because Lakota men and women dressed so similarly that it was impossible to distinguish them. Some Lakota women even shot at the cavalymen, forcing them to return fire.¹⁴² With the exception of one isolated instance of a "hysterical recruit" shooting an injured Lakota, Scott concluded that "there [was] nothing to conceal or apologize for in the Wounded Knee battle."¹⁴³ Rather than compensating the Lakotas, who did "not come into court with clean hands," Congress should be helping the "bereaved white families" of the soldiers who lost their lives.¹⁴⁴

While Scott was composing his article, Case obtained a copy of the court of inquiry record for his own analysis. Through correspondence with historian Frank McNitt, the representative learned that the army had withheld the record from the public.¹⁴⁵ Only at the request of Will Rogers, Chairman of

¹³⁹ Scott, "Wounded Knee," 22-23.

¹⁴⁰ Scott, "Wounded Knee," 16, 19-20.

¹⁴¹ Scott, "Wounded Knee," 13-14, quote on 23.

¹⁴² Scott, "Wounded Knee," 16-21.

¹⁴³ Scott, "Wounded Knee," 21.

¹⁴⁴ Scott, "Wounded Knee," 23, 24.

¹⁴⁵ Frank McNitt to Francis Case, February 16, 1939, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

the House Committee on Indian Affairs, did the War Department release the report.¹⁴⁶ In marked contrast to Scott, Case found evidence in the army's own records that the deaths of both the Indians and the soldiers resulted from the cavalymen having disobeyed Major General Nelson A. Miles' orders. The representative was optimistic that the new information "that had been kept in the secret files of the War Department all these years" would convince reluctant congressmen to support the bill.¹⁴⁷

Ultimately, with the United States making preparations to enter World War II, Case and the survivors found their options severely limited as the Seventy-sixth Congress neared its end. With the House concentrating nearly all legislation on national defense, the Committee on Indian Affairs had few chances to present its bills for consideration by the entire body.¹⁴⁸ Case had one last wild card: the Consent Calendar. This option would have allowed the bill to come to the floor, but passage required unanimous support. When it came up for a vote on August 5, 1940, despite Case's efforts to resolve concerns about the bill, three opponents voted "no," and the bill died with the session.¹⁴⁹

Conclusion

In the midst of the Committee on Indian Affairs' 1940 deliberations, James McGregor published *The Wounded Knee Massacre from the Viewpoint of the Sioux*. In the short book, the retired Pine Ridge Superintendent narrated Lakota history, describing Big Foot's pre-1890 reputation as a peacemaker, the arrival of the Ghost Dance on the Lakota reservations, and the events leading to Wounded Knee. The book explicitly critiqued the army's official explanations, and, despite McGregor's own paternalistic

¹⁴⁶ Francis Case to Will Rogers, August 7, 1939, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU. Although they shared the same name and were both from Oklahoma, there was no relation between the humorist and the representative.

¹⁴⁷ Report 2317, 3-5; Francis Case to James Pipe on Head, June 10, 1940, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

¹⁴⁸ Francis Case to Willis Mountain, January 17, 1941, Wounded Knee Massacre-Indian File, 3-13, Case Collection, University Archives, McGovern Library, DWU.

¹⁴⁹ Francis Case to Ralph Eagle Feather, November 28, 1940, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

attitudes, sought to represent the Lakotas' perspectives faithfully. In part, the retired superintendent addressed the book specifically to Western politicians and regional opinion leaders, and more generally the American populace, in hopes of increasing support for Case's bill.¹⁵⁰

Despite McGregor's best efforts, with the onset of World War II, Congress funneled nearly all available money to the war effort and essential services. Case and the survivors decided it would be better to wait until later to re-introduce the compensation bill.¹⁵¹ It remains unclear whether Case's bill, had it reached the House floor for a regular vote, would have passed. Equally uncertain is whether the Senate would have passed the bill or whether Roosevelt would have signed it. Yet the survivors' pursuit of compensation in the 1930s remains significant for what it reveals about the United States' capacity to acknowledge lingering "liabilities" stemming from the nineteenth-century violent dispossession of Native peoples. To strengthen their argument, the Lakotas reframed Wounded Knee as a violation of the 1868 Treaty of Fort Laramie. The environment of the 1930s allowed the survivors to successfully recruit several powerful "good white people"—McGregor, Werner, Case, Collier, West, and the members of the House Committee on Indian Affairs—who advocated passage of the legislation. The fact that a bill that explicitly recognized the United States' "liability" at Wounded Knee "got out of committee" was a historic achievement, in spite of the legislation's ultimate fate. McGregor's book did not, ultimately, lead to the passage of the bill, but as will be seen in the Epilogue, the superintendent's decision to include transcriptions of his interviews with the Lakotas dramatically expanded the circulation of the survivors' memories, and shaped how Wounded Knee would be remembered in subsequent decades.

¹⁵⁰ James H. McGregor, *The Wounded Knee Massacre from the Viewpoint of the Sioux* (Baltimore: Wirth Bros., 1940).

¹⁵¹ Francis Case to Boyd Leedom, November 22, 1947, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

Epilogue

The Survivors' Legacies

From the perspective of the 1890s, it appeared that the US Seventh Cavalry had won the debate over what had happened at Wounded Knee. Although Major General Nelson A. Miles and others, including some Lakotas, publicly accused the troops of massacring innocent men, women, and children at Wounded Knee, pro-Seventh Cavalry interpretations dominated both the public sphere and the official archival record. Reporters present at the creek had lauded the soldiers in published accounts, the January 1891 official inquiry into Colonel James W. Forsyth's leadership had produced a written record that effectively defended the Seventh Cavalry's conduct, and Secretary of War Redfield Proctor had decided the issue when he exonerated Forsyth and praised the soldiers. The government's archives would ensure that these written documents—in particular the inquiry record and Proctor's proclamation—would preserve the official version of Wounded Knee for future generations. At Fort Riley, Kansas, Forsyth and his allies commemorated Wounded Knee as the last heroic victory over “savagery,” publicly conferred twenty Medals of Honor on Seventh Cavalrymen for bravery and gallantry, and erected an obelisk to the soldiers slain on December 29, 1890. These representations dominated public remembrance of Wounded Knee in the Gilded Age 1890s.

In the latter part of the decade, however, the Lakota survivors began laying a foundation for a sustained challenge to the Seventh Cavalry's mnemonic monopoly over Wounded Knee. In compensation petitions, the monument erected at the mass grave, and in accounts dictated to sympathetic white interlocutors, the survivors transmitted their memories to a broader audience. Translated into a language that was not their own, the Lakotas nonetheless insisted that certain English words and concepts define these written portrayals: the Seventh Cavalry had “massacred” Big Foot's band, the Lakotas had been “friendly/peaceful” rather than “hostile,” and the troops had broken the

1868 Treaty of Fort Laramie on December 29, 1890, a violation for which the United States had a legal obligation—a “liability”—to compensate the survivors. These concepts guided the Lakotas’ engagement with the politics of memory during the half century following 1890, thereby demonstrating that the “legacies of conquest” reverberated and defined the American West into the twentieth century and beyond.¹

During the century after 1890, remarkable changes occurred in how Americans remembered Wounded Knee. In 1891, the government recognized the Seventh Cavalrymen with the nation’s highest military encomium—the Medal of Honor. In contrast, fifty years later a congressional committee approved a bill that would symbolically “liquidate” the United States’ “liability” for Wounded Knee by compensating the Lakota survivors, although the measure was subsequently defeated on the House floor. In honor of the centennial, the Senate in 1990 passed a concurrent resolution that expressed Congress’ “deep regret” to the Lakotas for Wounded Knee and supported a proposed national memorial to the dead at the site. Some of these changes reflected post-World War II trends that dramatically altered how nations addressed past atrocities. However, it was the Lakotas’ memory politics that kept Wounded Knee in the public sphere. Although most of the survivors had died by the 1950s, their legacies—embodied in textual form, at Wounded Knee as a place of memory, and in their descendants—continued to challenge official explanations for the killings well into the twentieth century and beyond.²

Textual Legacies

Although the Lakotas lacked their own printing press in the early twentieth century, Joseph Horn Cloud, Dewey Beard, and other survivors sought to broaden the circulation of their memories by

¹ Patricia Nelson Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (1987; repr., New York: W. W. Norton, 2006).

² Dewey Beard’s passing was noted in the *New York Times* (“Dewey Beard Dead: Sioux Who Said He Fought at Custer’s Last Stand Was 97,” *New York Times*, November 4, 1955, 29).

dictating accounts of Wounded Knee to sympathetic whites. As detailed in Chapters 3 and 4, some of these interlocutors published the Lakotas' statements during the survivors' lifetimes. Of these publications, James H. McGregor's *The Wounded Knee Massacre from the Viewpoint of the Sioux* (1940) had the widest circulation and the broadest impact, as demonstrated by its sixteen printings to date.³ Eli S. Ricker's unpublished interviews with Horn Cloud and Beard, accounts that the Nebraska Historical Society had preserved since the 1930s, have drawn the most attention from historians since World War II. These sources have transmitted the survivors' memories to audiences far beyond the Lakotas' immediate community.

In 1963, Yale University Press published Robert M. Utley's *The Last Days of the Sioux Nation*, the first scholarly study of Wounded Knee. Utley was a disciple of historian Frederick Jackson Turner, who had famously declared in 1893 that the "first period of American history" had ended in 1890 when the census bureau declared that the frontier was no more.⁴ The fact that Wounded Knee coincided with the "closing of the frontier" in 1890 was no accident, since the consolidation of white settlement in the West paralleled the "collapse" of the "Indian barrier."⁵ For Utley, then, Wounded Knee was significant for its role in ending indigenous resistance to American expansion.

As an army veteran and career National Parks Service historian, Utley considered himself a voice of moderation, presenting a reasoned interpretation of Wounded Knee that had been lacking since 1890. Although he faulted the press for polarizing the event, in reality he was seeking a middle ground between the army's "heroic battle" and the Lakotas' "massacre" interpretations. "It is time that Wounded Knee be viewed for what it was—a regrettable, tragic accident of war that neither side

³ James H. McGregor, *The Wounded Knee Massacre from the Viewpoint of the Sioux* (Baltimore: Wirth Bros., 1940). Fenwyn Press, located in Rapid City, South Dakota, issued the sixteenth printing in 2010.

⁴ Frederick Jackson Turner, "The Significance of the Frontier in American History," *The Frontier in American History* (1920; repr., n.p.: BiblioBazaar, 2008), 42.

⁵ Robert M. Utley, *Last Days of the Sioux Nation*, 2nd ed. (New Haven: Yale University Press, 2004), xvii-xviii.

intended, and that called forth behavior for which some individuals on both sides, in unemotional retrospect, may be judged culpable, but for which neither side as a whole may be properly condemned.”⁶ Wounded Knee was neither battle nor massacre, but a tragedy.

During his research, Utley had systematically scoured the government’s official archives looking for clues as to how events unfolded on December 29, 1890. Careful examination of the Seventh Cavalry’s testimonies offered in the 1891 court of inquiry convinced Utley that “a few unthinking young men, incited by a fanatical medicine man” had “created an incident” that sparked the shooting. Utley accepted the officers’ claims that the warriors had “poured destructive fire into their own families,” thereby reserving some of the blame for Lakotas themselves for noncombatant deaths. Furthermore, Utley accepted that troops had heroically sought to protect Lakota noncombatants, although he conceded that “more caution might have been exercised.” The soldiers, in Utley’s final analysis, had “not deliberately killed women and children.”⁷

Although Utley leaned heavily on the army’s official records for his interpretation, he also utilized some Lakota sources. In general, Utley considered Indian informants unreliable and incoherent to the “white student.”⁸ He dismissed McGregor’s book as “partisan” and he believed that few of the accounts reproduced in *The Wounded Knee Massacre from the Viewpoint of the Sioux* were useful.⁹ In contrast to McGregor, Utley admired Eli S. Ricker, whom he considered “an intelligent, capable interviewer who could establish rapport with his subjects and knew which questions to ask,” although

⁶ Utley, *Last Days of the Sioux Nation*, 230.

⁷ Utley, *Last Days of the Sioux Nation*, 230. See also Susan Forsyth, *Representing the Massacre of American Indians at Wounded Knee, 1890-2000*. Native American Studies (Lewiston, NY: Edwin Mellon Press, 2003), 101-32.

⁸ Utley, *Last Days of the Sioux Nation*, 288.

⁹ Utley, *Last Days of the Sioux Nation*, 298.

many of the interviews were marred by “fantasy.”¹⁰ With these reservations, Utley selectively used the accounts given by survivors Frog and Help Them in January 1891, Horn Cloud’s and Beard’s interviews with Ricker, and George Running Hawk’s and Daniel White Lance’s statements given to McGregor in 1933.¹¹ Based on these accounts, the historian rejected the army’s claim that Big Foot’s band had been “hostile” and had “treacherously” attacked the soldiers. Citing Horn Cloud and Beard, Utley concluded that the young warrior who started the fight was deaf.¹² He also relied heavily on Beard to describe the Lakotas’ desperate flight into the ravine.¹³ Although Utley declined to adopt the survivors’ (and Ricker’s) contention that Wounded Knee was a massacre, he nonetheless accepted a fair amount of their portrayal of the event. In part due to Utley’s popularization of Horn Cloud’s and Beard’s interviews, portions of Ricker’s notes were published in the 1970s and 1980s, culminating in comprehensive edition in 2005.¹⁴

Seven years after Utley’s book appeared, librarian/historian Dee Brown published *Bury My Heart at Wounded Knee: An Indian History of the American West*, a synthesis of US-Indian relations from 1860 to 1890 intended for non-specialists. Rather than relate the familiar tale of heroic white settlers and soldiers “Winning the West,” Brown recounted “an incredible era of violence, greed, audacity, sentimentality, undirected exuberance, and an almost reverential attitude toward the ideal of

¹⁰ Utley, *Last Days of the Sioux Nation*, 288.

¹¹ Utley, *Last Days of the Sioux Nation*, 200-230.

¹² Utley, *Last Days of the Sioux Nation*, 212.

¹³ Utley, *Last Days of the Sioux Nation*, 219-22.

¹⁴ *Hearings Before the Committee on the Judiciary*, S. 1147 and S. 2900, To Liquidate the Liability of the United States for the Massacre of Sioux Indian Men, Women, and Children at Wounded Knee on December 29, 1890, 94th Cong., 2nd sess., February 5-6, 1976 (Washington, DC: Government Printing Office, 1976), 103-11; Donald F. Danker, ed., “The Wounded Knee Interviews of Eli S. Ricker,” *Nebraska History* 62, no. 2 (1981): 151-243; Richard E. Jensen, ed., *Voices of the American West*, 2 vols. (Lincoln: University of Nebraska Press, 2005).

personal freedom for those who already had it.”¹⁵ In short, it presented “a narrative of the conquest of the American West as the victims experienced it.”¹⁶ In contrast to Utley’s selective engagement with Lakota sources, Brown based his Wounded Knee chapter almost entirely on the survivors’ statements published in McGregor’s *The Wounded Knee Massacre from the Viewpoint of the Sioux*, which was in its sixth printing in 1970.¹⁷ In his book, Brown dismissed the army’s interpretation, preferring instead the survivors’ memories of a massacre.

Many Americans found Brown’s book irresistible, as demonstrated by the work’s residence on the *New York Times*’ Bestseller List for fifty-seven weeks after its publication.¹⁸ Brown was not the first writer to reinterpret negatively the United States’ history with Native peoples, but he did have the good fortune to publish his revisionist perspective when an audience was ready to embrace it. Brown’s readers were attracted to *Bury My Heart at Wounded Knee* because of their growing sensitivity to the United States’ history of racial injustice and environmental degradation. Many saw parallels between the United States’ treatment of Indians and the Vietnam War. In addition, the book illuminated the history behind Native American activists’ demands that the government honor nineteenth-century treaties with Indian nations.¹⁹ *Bury My Heart at Wounded Knee* brought Beard’s, Louise Weasel Bear’s, and other survivors’ memories to a national and international audience.²⁰

¹⁵ Dee Brown, *Bury My Heart at Wounded Knee: An Indian History of the American West* (1970; repr., New York: Henry Holt, 2000), vii.

¹⁶ Brown, *Bury My Heart at Wounded Knee*, xviii.

¹⁷ Brown, *Bury My Heart at Wounded Knee*, 439-55; James H. McGregor, *The Wounded Knee Massacre from the Viewpoint of the Sioux* (1940; 6th repr., Rapid City, S.D.: Fenwyn Press, 1969).

¹⁸ Sherry L. Smith, *Hippies, Indians, and the Fight for Red Power* (Oxford: Oxford University Press, 2012), 149.

¹⁹ Ari Kelman, *A Misplaced Massacre: Struggling Over the Memory of Sand Creek* (Cambridge: Harvard University Press, 2013), 211-12.

²⁰ According to the publisher, Brown’s book has been translated into seventeen languages. On the international turn away from historical narratives emphasizing “progress” toward accounts focusing on “regret” in the twentieth century, see Jeffrey K. Olick, *The Politics of Regret: On Historical Memory and Historical Responsibility* (New York: Routledge,

Wounded Knee as a Place of Memory

Aside from dictating their memories of sympathetic whites, the survivors created memorial traditions at Wounded Knee that ensured it would be a place of memory that was recognizable even outside of the Lakota community. As discussed in Chapter 2, because Wounded Knee occurred within the boundaries of the Pine Ridge Reservation, the survivors had some control over how the site would be interpreted. Joseph Horn Cloud's monument explicitly identified the mass grave as the resting place of innocent men, women, and children massacred by the Seventh Cavalry. The monument alone could not make the site an enduring place of memory, however. At Fort Riley, Kansas, Forsyth had erected an obelisk to the Seventh Cavalrymen killed at Wounded Knee, but formal memorialization of the event ceased when most of the soldier participants were transferred elsewhere. In contrast, the survivors resided near the mass grave and held regular commemorations that signaled to others the importance of the site. Native intellectual Vine Deloria, for example, later recalled that "the most memorable event of [his] early childhood [in the 1930s] was visiting Wounded Knee." He also remembered that the Lakotas revered the survivors.²¹

Non-Lakotas, recognizing the site as a potent place of memory, made various attempts in the second half of the twentieth century to harness the power of Wounded Knee for their own purposes. The early 1950s witnessed a serious effort to secure federal recognition of Wounded Knee as a national monument within the National Parks Service. In the late 1930s, the Lakotas had proposed that Congress set aside "a parcel of land for [a] historical shrine or momento [*sic*] on which Chief Big Foot and his innocent band were ruthlessly massacred . . . for the exclusive property and usage for the

2007).

²¹ Vine Deloria, Jr., "This Country Was a Lot Better Off When the Indians Were Running It," *New York Times Magazine*, March 8, 1970, 48.

survivors and legal heirs.”²² The proposal received no attention at the time, but white South Dakota boosters later revived the idea in hopes of increasing tourism in the state. A key proponent was Clive Gildersleeve, who had spent part of his youth on Pine Ridge and had observed the potential of Wounded Knee as a tourist attraction. In the early 1930s, he purchased the Wounded Knee Trading Post and a significant portion of the land where the killings had occurred.²³ Gildersleeve believed that the government should improve road access to Wounded Knee and to advertise the place in other states, an objective that could be accomplished with NPS designation.²⁴ Many whites agreed with Gildersleeve that developing Wounded Knee as an attraction would stimulate the state’s economy. However, Senator Francis H. Case, who had long been the survivors’ principal advocate for congressional compensation (see Chapter 3), supported the proposal for more altruistic reasons. He believed that NPS recognition would garner sympathy for the remaining survivors and pressure Congress to indemnify them for their losses.²⁵

On July 29, 1952, NPS historian Merrill J. Mattes conducted an exploratory meeting on Pine Ridge where all interested parties were permitted to express their views. Joe Stegner of the Chicago-Black Hills Highway Association discussed the importance of developing the site, along with the

²² “Indemnity Bill for the Massacre of Chief Big Foot and his band, on December 29, 1890, suffered material loss of property and lives, who have died with-out receiving their treaty rights as stipulated in the treaties made by the United States with the Sioux-Nation,” in J. E. Hi Hawk to Francis Case, June 5, 1937, Wounded Knee Massacre-Indian File, Francis H. Case Collection, University Archives, McGovern Library, Dakota Wesleyan University, Mitchell, South Dakota.

²³ Akim Reinhardt, *Ruling Pine Ridge: Oglala Lakota Politics from the IRA to Wounded Knee* (Lubbock: Texas Tech University Press, 2007), 193-94.

²⁴ Alex Olson to Francis Case, April 30, 1952, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU; Clive A. Gildersleeve to Francis Case, June 23, 1952, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

²⁵ Merrill J. Mattes, “Report on Historical Investigation of Wounded Knee Battlefield Site, Pine Ridge Indian Reservation, South Dakota,” October 3, 1952, 9, accessed July 15, 2013, http://www.nps.gov/history/history/online_books/wokn/wokn_battlefield_site.pdf.

broader “Indian Country” of the region, for tourists.²⁶ Gildersleeve, eager to make the proposal a reality, offered to donate a portion of his Wounded Knee property, as did Rev. Bernard Fuller of the Catholic Church, which owned the land surrounding the mass grave and cemetery.²⁷

Charles Blindman and Dora High White Man spoke for the Wounded Knee Survivors Association. Although they did not oppose the proposal outright, they feared NPS designation would jeopardize their compensation efforts, that constructing a national monument would result in more land loss on the reservation, and that a park would provide more financial benefits to outsiders rather than Lakotas. Reflecting the survivors’ long preoccupation with the linguistic politics surrounding Wounded Knee, they insisted that the national monument interpret the killings as a massacre rather than a battle.²⁸ Bob Lee, Sunday editor of the *Rapid City Daily Journal*, argued that “national recognition ‘would help bring the truth out into the open.’”²⁹ Lee had previously characterized the high number of Medals of Honor awarded to the Seventh Cavalry as the army’s “white wash” of Wounded Knee, an argument subsequent advocates for government recognition of the killings have invoked.³⁰

Mattes, surprised by the strong insistence that Wounded Knee was a massacre, argued in his report that the event remained highly controversial, even after six decades.³¹ South Dakota State Historian Will G. Robinson, recognizing that the army would never support a national monument that

²⁶ Mattes, “Report on Historical Investigation,” October 3, 1952, 8-9.

²⁷ Mattes, “Report on Historical Investigation,” October 3, 1952, 12-13.

²⁸ Mattes, “Report on Historical Investigation,” October 3, 1952, 7, 10. William Fire Thunder acted as translator.

²⁹ Mattes, “Report on Historical Investigation,” October 3, 1952, 10.

³⁰ Bob Lee, “The Great Whitewash,” *Denver Post*, December 31, 1950; Bob Lee to Ralph H. Case, July 29, 1951, Ralph H. Case Papers, Archives and Special Collections, University Libraries, University of South Dakota, Vermillion, South Dakota; Ralph H. Case to Bob Lee, August 27, 1951, Case Papers, Archives and Special Collections, University Libraries, USD; Esther Torrance to Richard F. Kneip, January 26, 1971, Wounded Knee Survivors Association Correspondence 1971-1973, Archives and Special Collections, University Libraries, USD; “Wounded Knee Medals of Dis Honor,” accessed July 15, 2013, <http://www.ipetitions.com/petition/12-20-1890/>.

³¹ Mattes, “Report on Historical Investigation,” October 3, 1952, 10, 30-40.

portrayed Wounded Knee as a massacre, submitted a proposal that attempted to elide the controversial elements by honoring all of the dead—the Lakotas as well as the soldiers. The memorial would interpret Wounded Knee as a tragedy, rather than as a massacre or a battle. Robinson's proposal would also recognize Lakota soldiers who served in the Spanish-American War, World War I, and World War II.³² In spite of Robinson's effort to find a middle ground, in mid-December 1952 the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, a body comprised of respected professional historians, voted to take "no action on the engagement at Wounded Knee in view of its highly controversial character."³³ The survivors and their allies had, through their insistence that Wounded Knee was a massacre, thereby protected the site from outsiders' exploitation.

The efforts to turn Wounded Knee into a tourist attraction would not end, however. South Dakota Senator Karl Mundt, who had voted in favor of the survivors' 1940 compensation bill while a member of the House Committee on Indian Affairs, revived the national monument idea later in the 1950s. In hopes of avoiding army opposition, Mundt adopted Robinson's earlier plan to memorialize both the soldier and the Lakota dead. Gildersleeve again enthusiastically offered his support. Despite some misgivings, Case also endorsed the plan.³⁴ Again, the proposal died. In 1965, the National Park Service designated Wounded Knee as a National Historic Landmark, which recognized the site's

³² Will G. Robinson, "Wounded Knee," ca. August 1, 1952, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU; Mattes, "Report on Historical Investigation," October 3, 1952, 11, 13-14.

³³ Oscar L. Chapman to Francis Case, January 6, 1953, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

³⁴ Senator Karl E. Mundt to Secretary of the Interior Douglas McKay, July 11, 1955, Case Papers, Archives and Special Collections, University Libraries, USD; Francis Case, memorandum, July 25, 1955, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU; Gildersleeve and Son to Francis Case, July 28, 1959, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU; Francis Case to Clive Gildersleeve and Son, July 31, 1959, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU.

national significance but provided no federal development.³⁵

Finally convinced that federal funds were not forthcoming, in the late 1960s Gildersleeve and his son in law, James A. Czywczynski, developed their own plans to turn Wounded Knee into a \$10 million private park with a motel, stores, and other attractions. The promoters represented the park as a belated attempt to correct the wrong incurred at the site on December 29, 1890. They proposed a Grecian-style obelisk to the Lakota dead, with *terrazzo* blood spewing down the marble base. Since they owned the land where the killings occurred, but not the area that included the mass grave, Gildersleeve and Czywczynski attempted to enlist the support of the Catholic Church, which still owned the site. That failing, they proposed to covertly remove the corpses and re-inter them on their own property in a crypt lined with cavalry sabers.³⁶

Gildersleeve and Czywczynski met stiff opposition from the Catholic Church and South Dakota state officials. Governor Richard F. Kneip, who read Brown's *Bury My Heart at Wounded Knee* soon after its 1970 release, conducted a wreath-laying ceremony at the site on December 29, 1971, with some descendants and Vine Deloria in attendance.³⁷ In order to counter Gildersleeve and Czywczynski, the Catholic Church, with Kneip's encouragement, deeded the mass grave and surrounding land to the Oglala Sioux Tribal Council for \$1 in 1972.³⁸ Kneip also supported the South Dakota Legislative

³⁵ "Wounded Knee," National Historic Landmarks Program, accessed July 15, 2013, <http://tps.cr.nps.gov/nhl/detail.cfm?ResourceId=540&ResourceType=Site>.

³⁶ Reinhardt, *Ruling Pine Ridge*, 200-201.

³⁷ Esther Torrance to Richard F. Kneip, January 26, 1971, Wounded Knee Survivors Association Correspondence 1971-1973, Archives and Special Collections, University Libraries, USD; "Kneip Places Wreath at Wounded Knee Site," *Sioux Falls Argus-Leader*, January 1, 1972.

³⁸ James W. Sprague to Richard F. Kneip, November 10, 1971, Wounded Knee Survivors Association Correspondence 1971-1973, Archives and Special Collections, University Libraries, USD; Father Theodore F. Zuern to Gerald One Feather, December 10, 1971, Wounded Knee Survivors Association Correspondence 1971-1973, Archives and Special Collections, University Libraries, USD; John Crow to Mrs. D. E. Torrence, January 18, 1972, Wounded Knee Survivors Association Correspondence 1971-1973, Archives and Special Collections, University Libraries, USD; Theodore F. Zuern, quiet claim deed, October 25, 1972, photocopy in Wounded Knee Survivors Association Documents, Archives and Special Collections, University Libraries, USD.

Assembly's passage of "a resolution which expressed official concern over commercial interference on the site and directed appropriate state officials to utilize their resources toward achieving Indian ownership."³⁹ Czywczynski's continued complaints to Kneip that government officials had failed to improve access to the site convinced both Lakotas and non-Indians that only extraordinary measures could stop exploitation of the site.⁴⁰

Before the government could take those measures, however, the American Indian Movement occupied Wounded Knee in 1973. Beginning in the late 1960s, Indian activists occupied significant sites in order to attract media attention, such as Alcatraz Island, Plymouth Rock, and Mount Rushmore, and the Bureau of Indian Affairs building in Washington, D.C. AIM had come to Pine Ridge to support a local protest against President Dick Wilson of the Oglala Tribal Council, who was accused of suppressing traditional tribal members.⁴¹ Drawing on the potent symbolism of Wounded Knee, accrued after years of survivor commemorations, AIM occupied the site for seventy-one days, exchanging gunfire with federal agents while drawing upon imagery of the 1890 massacre to heighten the stakes of the confrontation.⁴² During the occupation, Wounded Knee came to represent not only a horrific nineteenth-century massacre, but also a symbol of indigenous struggle for sovereignty.⁴³ The activists

³⁹ Richard F. Kneip to Esther Torrence, March 13, 1972, Wounded Knee Survivors Association Correspondence 1971-1973, Archives and Special Collections, University Libraries, USD.

⁴⁰ Richard F. Kneip to Esther Torrence, March 13, 1972, Wounded Knee Survivors Association Correspondence 1971-1973, Archives and Special Collections, University Libraries, USD; James A. Czywczynski to Richard Kneip, April 27, 1972, Wounded Knee Survivors Association Correspondence 1971-1973, Archives and Special Collections, University Libraries, USD; Lynn Munchmore to James A. Czywczynski, May 8, 1972, Wounded Knee Survivors Association Correspondence 1971-1973, Archives and Special Collections, University Libraries, USD; James A. Czywczynski PA to James Gillihan, June 29, 1972, Wounded Knee Survivors Association Correspondence 1971-1973, Archives and Special Collections, University Libraries, USD.

⁴¹ Paul Chaat Smith and Robert Allen Warrior, *Like a Hurricane: The Indian Movement from Alcatraz to Wounded Knee* (New York: New Press, 1996), 117, 127-68; Troy R. Johnson, *The American Indian Occupation of Alcatraz Island: Red Power and Self-Determination* (1996; repr., Lincoln: University of Nebraska Press, 2008); Reinhardt, *Ruling Pine Ridge*.

⁴² Smith and Warrior, *Like a Hurricane*, 171-268.

⁴³ Elizabeth Rich, "Remember Wounded Knee: AIM's Use of Metonymy in 21st Century Protest," *College*

burned the Wounded Knee Trading Post to the ground, destroying a symbol of exploitation.⁴⁴

As They Have Mourned, We Will Too

Perhaps the survivors' most enduring legacy, however, was what they left to their children and grandchildren. In the last third of the twentieth century, the descendants of the Wounded Knee survivors continued their forebears' struggle for recognition from the federal government. During the bicentennial year of 1976, the descendants picked up where their parents and grandparents left off by testifying before Congress in support of a compensation bill. In the early 1980s, the descendants organized annual pilgrimages that retraced the fateful journey of Big Foot's band, culminating with an emotional enactment of mourning rituals on the centennial. Also in 1990, representatives of the Wounded Knee Survivors Association (WKSA) demanded that Congress grant compensation, offer an apology, and construct a fitting memorial at the site. These endeavors provided a window into Lakota forms of oral transmission, which instilled kinship obligations on the descendants to continue their ancestors' pursuit of justice.

With national attention turned toward Wounded Knee during the AIM occupation, the descendants decided to renew their compensation claims. In mid-1973, the Lakotas approached South Dakota Senator James Abourezk, who had grown up on the neighboring Rosebud Reservation, with their proposal.⁴⁵ Abourezk, the first Arab-American elected to Congress, was known for his progressive politics and was one of the primary negotiators during the Wounded Knee occupation.⁴⁶ Although Abourezk showed some interest, in December 1974 Vice President Talbert Looking Elk of the WKSA

Literature 31, no. 3 (Summer 2004): 70-91.

⁴⁴ Reinhardt, *Ruling Pine Ridge*, 202.

⁴⁵ Talbert Looking Elk to James Abourezk, June 17, 1974, James G. Abourezk Papers, Archives and Special Collections, University Libraries, USD.

⁴⁶ Smith and Warrior, *Like a Hurricane*, 180-81, 207-208.

asked Abourezk to declare with a “straight tongue” whether he would sponsor the descendants’ compensation bill.⁴⁷ Abourezk responded by submitting a bill in March 1975 that would have awarded \$3,000 per victim to the heirs.⁴⁸

Rehashing the War Department’s 1891 rhetoric, assumptions, and justifications for Wounded Knee, the Acting Secretary of the Army Norman R. Augustine opposed Abourezk’s bill. Augustine also expressed concern over the prospects of setting a precedent if compensation was awarded to the descendants for an alleged wrong that occurred over eight decades before.⁴⁹ The Justice Department also opposed the legislation, arguing that the Lakotas could have gone through the courts or the Indian Claims Commission.⁵⁰ Perhaps most surprisingly, the Interior Department, which had supported the survivors’ claims in the 1930s, opposed the bill on the grounds that “the descendants have reached the fifth generation” and compensation “for a wrong done their far-distant ancestors or relatives 85 years ago at best would be a symbolic gesture.”⁵¹

On February 5, 1976, the Senate Judiciary Committee opened hearings on Abourezk’s bill and allowed the army to present testimony.⁵² NPS historian Robert Utley, author of *Last Days of the Sioux Nation*, appeared and opposed the legislation as he recounted his argument that Wounded Knee was not

⁴⁷ James Abourezk to Talbert Looking Elk, July 22, 1974, Abourezk Papers, Archives and Special Collections, University Libraries, USD; Talbert Looking Elk to James G. Abourezk, December 13, 1974, Abourezk Papers, Archives and Special Collections, University Libraries, USD.

⁴⁸ A bill to liquidate the liability of the United States for the massacre of Sioux Indian men, women, and children at Wounded Knee on December 29, 1890, S. 1147, March 11, 1975, 94th Cong., 1st sess. See also A bill to liquidate the liability of the United States for the massacre of Sioux Indian men, women, and children at Wounded Knee on December 29, 1890, S. 2900, January 29, 1976, 94th Cong., 2nd sess.

⁴⁹ Norman R. Augustine to James O. Eastland, August 28, 1975, photocopy in Abourezk Papers, Archives and Special Collections, University Libraries, USD. Eastland was chairman of the Senate Judiciary Committee.

⁵⁰ Michael M. Uhlmann to James O. Eastland, August 27, 1975, photocopy in Abourezk Papers, Archives and Special Collections, University Libraries, USD.

⁵¹ John Kyl to James O. Eastland, February 5, 1976, Abourezk Papers, Archives and Special Collections, University Libraries, USD.

⁵² Charles Ablard and William G. Bell, testimony, February 5, 1976, S. 1147 and S. 2900, *Hearings*, 19-36.

a “massacre” or “battle,” but a “tragedy.” In a dramatic exchange, Dee Brown of *Bury My Heart at Wounded Knee* fame, acting as a historical consultant for Abourezk and the committee, examined Utley on the witness stand and dissected the NPS historian’s assumptions.⁵³

The following day, members of the WKSA, including Talbert Looking Elk, Simon Looking Elk (Talbert’s son), and Edgar High Whiteman, testified in support of the legislation.⁵⁴ Each described hearing their parents and grandparents talk about the horrors of Wounded Knee, providing a glimpse into the power of oral transmission of memory, identity, and kinship obligations.⁵⁵ Talbert Looking Elk, for example, related how he lost his grandparents and a brother at Wounded Knee, while his parents were both severely injured. Looking Elk saw himself as “a third generation descendant of the Wounded Knee massacre.”⁵⁶ He recalled listening “to the Indian old people and accepted their words [about Wounded Knee] for [he] was looking for truth and justice and wisdom.” Looking Elk, aware that the army and other skeptics would dismiss his recollections as “hearsay,” argued that “as Indians, we have memories. We can think and we can remember those things that have happened. Even though we may only tell each other in words, still, to us, they are the truth.”⁵⁷ For the descendants, the legislation was not about “guilt money,” but was “rather a symbolic acknowledgment on the part of the US Congress that a wrong was done there which has been too long ignored.” The Lakotas contended that “there is

⁵³ Robert M. Utley, testimony, February 5, 1976, S. 1147 and S. 2900, *Hearings*, 36-50. See also Forsyth, *Representing the Massacre of American Indians*, 126-32.

⁵⁴ Johnson Holy Rock, former Oglala president, although not a descendant, testified in support of the bill (testimony, February 6, 1976, S. 1147 and S. 2900, *Hearings*, 51-55).

⁵⁵ Simon Looking Elk, testimony, February 6, 1976, S. 1147 and S. 2900, *Hearings*, 56; Edgar High Whiteman, testimony, February 6, 1976, S. 1147 and S. 2900, *Hearings*, 59; Talbert Looking Elk, testimony, February 6, 1976, S. 1147 and S. 2900, *Hearings*, 60.

⁵⁶ Looking Elk, testimony, February 6, 1976, S. 1147 and S. 2900, *Hearings*, 61.

⁵⁷ Looking Elk, testimony, February 6, 1976, S. 1147 and S. 2900, *Hearings*, 63.

still an old wound which cannot be expunged by being shunned.”⁵⁸

Ultimately, as had happened in the late 1930s, the bill failed. Like the earlier attempts, Abourezk and other prominent Americans showed their support for the descendants’ cause and advocated for their memories, but Congress was unprepared to fully grapple with the legacies of conquest. However, the Lakotas refused to forget. Historian Alvin M. Josephy, who participated in the 1976 hearing, explained that Abourezk’s bill had a history. “It will continue to have a history if the Congress does turn it down this year. It will come up again.”⁵⁹

In the mid-1980s, the descendants began organizing for the 1990 centennial, which included preparations for healing rituals and, as Josephy predicted, another attempt to obtain justice from the government. In 1986, three descendants—Birgil Kills Straight, Alex White Plume, and James J. Garrett—retraced Big Foot’s three hundred mile journey to Wounded Knee. Joined eventually by hundreds of supporters, the three men repeated this memorial ride annually, culminating in the potent re-creation of the move south for the centennial on December 29, 1990. Upon arrival at the mass grave, the memorial riders, the Wounded Knee descendants, and Lakota holy men performed sacred rituals that freed the spirits of their slain ancestors and began the healing process for the descendants and the Lakota nation.⁶⁰

Led by Claudia Iron Hawk, the descendants also revived the WKSA in the mid-1980s, in hopes

⁵⁸ Wounded Knee Survivors Association to James Abdnor, Larry Pressler, and Lloyd Means, no date, Abourezk Papers, Archives and Special Collections, University Libraries, USD.

⁵⁹ Alvin M. Josephy, testimony, February 5, 1976, S. 1147 and S. 2900, *Hearings*, 2.

⁶⁰ Alex White Plume, testimony, September 25, 1990, in *Hearing Before the Select Committee on Indian Affairs*, S. HRG. 101-1184, To Establish Wounded Knee Memorial and Historic Site and Proposal to Establish Monument Commemorating Indian Participants Little Big Horn and to Redesignate Name of Monument from Custer Battlefield to Little Big Horn National Monument Battlefield, 101st Cong., 2nd sess., September 25, 1990 (Washington, DC: Government Printing Office, 1991), 9-10; Mario Gonzalez and Elizabeth Cook-Lynn, *The Politics of Hallowed Ground: Wounded Knee and the Struggle for Indian Sovereignty* (Urbana: University of Illinois Press, 1999), 63, 64, 101, 103, 110; Michelene E. Pesantubbee, “Wounded Knee: Site of Resistance and Recovery,” in *Religion, Violence, Memory, and Place*, eds. Oren Baruch Stier and J. Shawn Landres (Bloomington: Indian University Press, 2006), 83-84.

of building a new memorial at the mass grave that identified by name every man, woman, and child killed at Wounded Knee. The WKSA asked Oglala attorney Mario Gonzalez, who himself had relatives buried in the Wounded Knee mass grave, to assist them in the planning stages.⁶¹ Gonzalez had already developed a reputation as a smart Indian attorney who was committed to indigenous sovereignty. In 1980, after the Supreme Court upheld the decision of the Indian Claims Commission that awarded the Lakotas \$1.2 million for the Black Hills, Gonzalez had famously advised his clients not to accept the settlement, under the assumption that not taking the money would allow the Lakotas to re-claim the hills themselves in the future.⁶² The attorney advised the WKSA that raising sufficient funds to build the new memorial by the centennial would be nearly impossible, and instead argued that they should renew the WKSA's longstanding demands that Congress compensate the descendants for human and property losses at Wounded Knee.⁶³

Reflecting the oral nature of Lakota society, the descendants first learned about Wounded Knee not in history books, but from their elderly relatives. As children, they would have been required to listen carefully to stories about Wounded Knee and then repeat them back to their relatives, with an admonition to remember the massacre throughout their lives. They would have also been encouraged, metaphorically speaking, to assume their grandparents' painful memories as their own.⁶⁴ Iron Hawk, a granddaughter of massacre survivor Come Crawling Woman and the President of the WKSA in 1990,

⁶¹ Wounded Knee Survivor's [sic] Association to All Persons Interested in the 1890 Wounded Knee Compensation Bill, January 8, 1989, Thomas A. Daschle Collection, Archives and Special Collections, Hilton M. Briggs Library, South Dakota State University, Brookings, South Dakota; Gonzalez and Cook-Lynn, *The Politics of Hallowed Ground*, 102.

⁶² Jeffrey Ostler, *The Lakotas and the Black Hills: The Struggle for Sacred Ground* (New York: Penguin, 2011), 165-66.

⁶³ Wounded Knee Survivor's [sic] Association to All Persons Interested in the 1890 Wounded Knee Compensation Bill, January 8, 1989, Daschle Collection, Archives and Special Collections, Briggs Library, SDSU.

⁶⁴ Luther Standing Bear, *Land of the Spotted Eagle* (1933; repr., Lincoln: Bison Books, 1978), 13; Waziyatawin Angela Wilson, *Remember This! Dakota Decolonization and the Eli Taylor Narratives* (Lincoln: University of Nebraska Press, 2005), 27-28, 36, 92-96.

testified before a Senate subcommittee that “this pain and suffering continues today through us and many others like us. We hurt and cry deep in our souls as we remember the stories told to us by our families.”⁶⁵ Marie Not Help Him likewise testified before the subcommittee about the experience of her great-grandfather, Dewey Beard. Not Help Him recalled sitting on his lap as a small child and feeling a deep scar on his thigh from one of his wounds.⁶⁶ Beard “would give the account of the killing of the children, women, old people and men,” Not Help Him remembered, and “he would get tears in his eyes and he would cry.” Overcome with grief, Beard would leave the house and sing Lakota death songs to mourn for his people who were killed.⁶⁷

The descendants saw themselves as continuing the work of their parents and grandparents, who had long sought government recognition for the wrong committed at Wounded Knee. Not Help Him testified that early in the twentieth century Beard had sought compensation from the government for his “loss of property, of life, and for injuries sustained,” even visiting the nation’s capital at his own expense to seek justice.⁶⁸ She concluded that “as he has mourned, I will too—until we are given a sincere apology, a fitting memorial and monument and compensation for the losses suffered by the people.”⁶⁹ Gonzalez, the WKSA’s attorney, explained that the survivors “for 100 years have come to this Government and have asked it to stand tall and to admit that it was wrong and atone for the massacre, but throughout the years they have spoken to deaf ears here in Washington, D.C. They continue their quest for justice.”⁷⁰

⁶⁵ Claudia Iron Hawk, oral statement, S. HRG. 101-1184, *Hearing*, 5.

⁶⁶ Marie Not Help Him, written statement, S. HRG. 101-1184, *Hearing*, 53.

⁶⁷ Not Help Him, written statement, S. HRG. 101-1184, *Hearing*, 52.

⁶⁸ Not Help Him, oral statement, S. HRG. 101-1184, *Hearing*, 14.

⁶⁹ Not Help Him, written statement, S. HRG. 101-1184, *Hearing*, 53.

⁷⁰ Mario Gonzalez, oral statement, S. HRG. 101-1184, *Hearing*, 8.

Although the first generation of survivors had successfully recruited some powerful whites to champion their cause, by mid-1990 the WKSAs had gained the support of the entire South Dakota congressional delegation—Senators Thomas A. Daschle (D) and Larry Pressler (R), and Representative Tim Johnson (D)—as well as South Dakota Governor George Mickelson (R), who had declared 1990 the “Year of Reconciliation” between South Dakota whites and Indians. Their openness to the Lakotas’ claims reflected the emergent “Age of Apology.” Germany represented the vanguard of this international phenomenon when it apologized for the Holocaust and paid reparations to Israel in the 1950s. During the Civil Rights era in the United States, some activists demanded reparations for slavery, Jim Crow, and other past injustices.⁷¹ It wasn’t until the 1980s, however, that the United States gradually began offering official apologies and reparations to wronged minorities, most notably to Japanese American victims of the World War II-era internment policies.⁷²

However, as the Wounded Knee centennial occurred at the end of the “Reagan Decade” and just as the United States was preparing to liberate Kuwait in the first Gulf War, politics shaped the entire process. While Daschle and the others believed that the government should do something to officially recognize the one hundredth anniversary of Wounded Knee, they feared that using the word “apology” would be tantamount to accepting legal liability for the killings. However, they did support a congressional resolution expressing “deep regret” for Wounded Knee. These leaders were confident that Congress would be receptive to establishing a National Memorial, administered by the National Park Service, to the Lakota victims. Given the political divisions in Congress, setting aside millions of dollars for a Wounded Knee national memorial park would be an easier sell, in Daschle’s mind, than

⁷¹ Roy L. Brooks, ed., *When Sorry Isn’t Enough: The Controversy over Apologies and Reparations for Human Injustice* (New York: New York University Press, 1999).

⁷² See Leslie Hatamiya, *Righting a Wrong: Japanese Americans and the Passage of the American Civil Liberties Act of 1988* (Stanford: Stanford University Press, 1994).

the same dollar amount explicitly designated as compensation.⁷³

Nearly a century after the government awarded twenty Medals of Honor to the Seventh Cavalry, Congress officially commemorated Wounded Knee by passing a concurrent resolution “to express its deep regret to the Sioux people and in particular to the descendants of the victims and survivors of this terrible tragedy.” Although the resolution stopped short of a full apology, the document reflected a significant shift in official conceptions of the nation’s history. Rather than define the 1890 engagement as the event that ended indigenous military resistance against American expansion, the resolution saw “the Wounded Knee Massacre [as] the last armed conflict . . . of the Indian wars,” a “period characterized by an official government policy of forcibly removing the Indian tribes and bands from the path of westward expansion and settlement through placement on reservations.” To the relief of the resolution’s authors, self-determination and cultural pluralism had replaced the “unenlightened” policies of the nineteenth century. Rather than casting the Lakota Ghost Dancers as “hostile fanatics” uprising against the United States, the resolution proposed a National Memorial be erected at Wounded Knee to honor the Lakotas’ “heroic and courageous campaign” to defend their homelands and way of life against American aggression. Lastly, rather than interpreting the violence of 1890 as a precursor to subsequent Indian assimilation, Congress hoped that “the Wounded Knee Massacre [would] provide a proper foundation for building an ever more humane, enlightened, and just society for the future.”⁷⁴

Shocked that the resolution stopped short of a full apology, the descendants publicly accused

⁷³ Memo, ca. August 1990, Daschle Collection, Archives and Special Collections, Briggs Library, SDSU.

⁷⁴ To Acknowledge the 100th Anniversary of the Tragedy at Wounded Knee Creek, State of South Dakota, December 29, 1890, Wherein Soldiers of the United States 7th Cavalry Killed and Wounded Approximately 350-375 Indian Men, Women, and Children of Chief Big Foot’s Band of Minneconjou Sioux, and to Recognize the Year of Reconciliation Declared by the State of South Dakota Between the Citizens of the State and the Member Bands of the Great Sioux Nation, S. Con. Res. 153, October 15, 1990, 101st Cong., 2nd sess.

Daschle of double-dealing and racism.⁷⁵ Japanese-American Senator and Indian Affairs Committee Chairman Daniel Inouye (D-HI) defused the situation by assuring the WKSA that Congress intended the resolution as an apology, even if the exact word was missing. “I sincerely hope that the Wounded Knee Survivors Association would reconsider accepting Senate Concurrent Resolution 153 as the fulfillment of a well-deserved apology from the United States Government.” Citing his role in the passage of the Civil Liberties Act, Inouye assured the descendants that they had his full support. “The adoption of this resolution by the 101st Congress,” Inouye noted, “lays a foundation for achieving the remaining goals of the Wounded Knee Survivors Association.” The resolution could be used rhetorically to support the WKSA’s remaining objectives of securing a national memorial at the site and, perhaps, revisit the compensation issue down the road.⁷⁶ Convinced by Inouye, the WKSA voted in early December 1890 to accept the resolution as a conditional apology. If Congress subsequently passed the descendants’ legislation, Gonzalez noted, the apology would be meaningful; otherwise, the Lakotas would see it as “a watered-down, hallow apology, a mere expression of regret rather than a sincere apology.”⁷⁷

Over the next few years, the WKSA worked closely with Daschle, the National Park Service, the Oglala Sioux Tribe, the Cheyenne River Sioux Tribe, and the Wounded Knee community. By early 1995, it appeared that these disparate groups had reached a consensus: Congress would create a “national tribal park,” which would allow the Lakotas, using federal funds, to build and maintain the memorial, a museum, and other interpretive centers. The park would have a north unit on the Cheyenne River Reservation that would commemorate Big Foot’s village before Wounded Knee. The south unit

⁷⁵ Gonzalez and Cook-Lynn, *The Politics of Hallowed Ground*, 73-76.

⁷⁶ Daniel K. Inouye to Claudia Iron Hawk, November 13, 1990, Daschle Collection, Archives and Special Collections, Briggs Library, SDSU.

⁷⁷ Sam Eaglestaff to Daniel K. Inouye, December 17, 1990, Daschle Collection, Archives and Special Collections, Briggs Library, SDSU; Gonzalez and Cook-Lynn, *The Politics of Hallowed Ground*, 96.

would encompass the mass grave and surrounding areas on Pine Ridge. Although the NPS would provide technical training and federal dollars, the park and the memorial would be designed and maintained by the descendants and the Lakotas. The tribes would maintain ownership of the park's lands, but the federal government would hold it in trust to protect it from state taxes. By early February, when Daschle prepared to submit the bill, the WKSA, the Grey Eagle Society (comprised of Lakota elders), the Oglala Sioux Tribe, the Cheyenne River Sioux Tribe, the Wounded Knee District, and the Wounded Knee Subcommunity had endorsed the bill, which also had strong support from the Department of the Interior, the NPS, and Congress. Its passage appeared inevitable.⁷⁸

Some residents of the Wounded Knee District, fearing that they would lose their land if the proposed park became a reality, formed the Wounded Knee Landowners Association. The Landowners' critique of Daschle's bill, written on March 20, 1995, deceptively cast the bill as yet another federal land grab, ignoring the fact that the park was to be owned and operated by the tribal governments. Furthermore, they neglected to mention the WKSA's support of the bill, and that the legislation only permitted the tribal councils to purchase private land from *willing* sellers.⁷⁹ Gonzalez publicly questioned the motives of the Landowners Association, noting that two of the group's leading figures—Gerald and Pamela Ice—had been raising money to commercially develop the area around Wounded Knee.⁸⁰ The dissidents staged a widely publicized protest at the mass grave at the end of March.⁸¹ In

⁷⁸ A Bill to Establish a Wounded Knee National Tribal Park, and for Other Purposes, S.382, February 9, 1995, 104th Cong., 1st sess.; see Cheyenne River Sioux Tribe, Resolution No. 140-95-CR, May 8, 1995, Daschle Collection, Archives and Special Collections, Briggs Library, SDSU, which lists the resolutions of the other tribal governments' approvals.

⁷⁹ Pamela Ice, "Press Release," March 1, 1995, Daschle Collection, Archives and Special Collections, Briggs Library, SDSU; Pamela Ice and Gerald Ice to Omaha World-Herald staff, ca. March 13, 1995, Daschle Collection, Archives and Special Collections, Briggs Library, SDSU; Walter Little Moon and Gerald Ice to Tom Daschle, March 20, 1995, Daschle Collection, Archives and Special Collections, Briggs Library, SDSU.

⁸⁰ "Wounded Knee park has broad support," Associated Press article, May 15, 1995, Daschle Collection, Archives and Special Collections, Briggs Library, SDSU.

⁸¹ Pamela Ice, "Press Release," March 27, 1995, Daschle Collection, Archives and Special Collections, Briggs

spite of Daschle's and Representative Johnson's efforts to answer the Landowners Associations' concerns, the group continued to portray the park as the latest example of misguided government policy.⁸² At least one member of Congress warned Daschle that unless he resolved the Landowners Associations' concerns, the bill would not move forward.⁸³

Aside from the Wounded Knee Landowners Association, some of the descendants announced their opposition to the tribal park, citing kinship obligations to their slain ancestors at Wounded Knee. Jasper Spotted Elk, Francis He Crow, and Leonard Little Finger—all three of whom claimed to be descendants of Big Foot—affiliated with the dissidents. These descendants organized as the Big Foot Claims Council to distinguish themselves from the WKSA.⁸⁴ They argued that the proposed tribal park would lead to unwanted development and commercialization, which would inhibit the descendants from performing religious rituals for their ancestors buried at the site. Although the United States had at one time sought to erode the spiritual foundations of Lakota culture, the descendants contended that it was “unworthy of a Great Nation and the principles of religious liberty to pursue this course.”⁸⁵

Library, SDSU.

⁸² Tom Daschle to Pamela Ice, May 3, 1995, Daschle Collection, Archives and Special Collections, Briggs Library, SDSU; Tim Johnson to Walter Little Moon and Gerald Ice, May 9, 1990, Daschle Collection, Archives and Special Collections, Briggs Library, SDSU; Black Eagle, online memo, May 25, 1995, Daschle Collection, Archives and Special Collections, Briggs Library, SDSU; Gonzalez and Cook-Lynn, *The Politics of Hallowed Ground*, 405-406n33.

⁸³ Patricia Schroeder to “dear friends,” March 23, 1995, Daschle Collection, Archives and Special Collections, Briggs Library, SDSU.

⁸⁴ Meeting minutes, August 28, 1993, Daschle Collection, Archives and Special Collections, Briggs Library, SDSU; Manson Garreaux, Richard Charging Eagle, Leonard Little Finger, Francis He Crow, and Howard Bear Robe to Thomas Daschle, May 22, 1995, Daschle Collection, Archives and Special Collections, Briggs Library, SDSU. Under the leadership of Cheyenne River survivor James E. Hi Hawk, the survivors apparently began using the name “Big Foot Claims Council” in the early 1940s and they incorporated the organization in 1948 in anticipation of filing a claim before the Indian Claims Commission (Lyle F. Youngstrom, “Bulow Introduces Bill to Give Relatives of Indians Killed in Wounded Knee Massacre \$3,000,” unidentified clipping, October 1, 1941, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, Dakota Wesleyan University, Mitchell, South Dakota; “Indians Seek Claims for Sioux Massacre,” unidentified clipping, September 17, 1948, Wounded Knee Massacre-Indian File, Case Collection, University Archives, McGovern Library, DWU).

⁸⁵ Garreaux, Charging Eagle, Little Finger, He Crow, and Bear Robe to Thomas Daschle, May 22, 1995, Daschle Collection, Archives and Special Collections, Briggs Library, SDSU.

While all the descendants agreed that the site needed protection and that some form of memorialization was appropriate, they became divided over the advisability of federal involvement. In spite of the WKSA's strong promotion of the memorial and tribal park, the bill, which at one point seemed destined to pass, stalled and eventually died in Congress.⁸⁶

Conclusion

As the one hundred and twenty-fifth anniversary of Wounded Knee approaches, the fate of the killing field is again in the news. James Czywczynski, whose attempt to exploit the land in the late 1960s resulted in the American Indian Movement destroying his trading post, announced his intention to sell his portion of the Wounded Knee land—appraised at \$14,000—for \$4.9 million. Although he claimed that he wanted the Lakotas to own the land, he was unwilling to follow the Catholic Church's benevolent example of donating his acres; rather, nearing the end of his life, he desired to earn what AIM had denied him in 1973—the equivalent of millions in tourists' dollars.⁸⁷ When actor Johnny Depp offered to purchase the land on behalf of the Lakotas, some acknowledged the generosity of the gesture. Others believed that Depp was unwittingly rewarding Czywczynski for decades of greed. Some Lakotas called on the federal government to intercede and create a national monument at the site, a proposal which, given the painful memories of the WKSA's failed attempt to create a tribal park, was not met with enthusiasm.⁸⁸ The descendants and Czywczynski finally met face to face to discuss the sale, with the Lakotas accusing him of profiting off of their traumatic memories. They proposed,

⁸⁶ Claudia Iron Hawk, Rachel Hollow Horn, and Edith Wounded Horse, "Charlatans sell lies about Wounded Knee for money," *Indian Country Today*, June 29, 1995.

⁸⁷ Charles Trimble, "Attempting to Profit from Hallowed Grounds," *Indianz.com*, February 11, 2013, accessed July 13, 2013, <http://www.indianz.com/News/2013/008476.asp>.

⁸⁸ Joseph Brings Plenty, "Save Wounded Knee," *New York Times*, April 11, 2013, accessed April 15, 2013, http://www.nytimes.com/2013/04/12/opinion/save-wounded-knee.html?_r=1&.

however, that if Czywczynski did sell the land, that he donate half of the money to the descendants to support a memorial. Czywczynski expressed a willingness to discuss the issue further, thereby allowing some hope for negotiation.⁸⁹ Although the fate of Wounded Knee remains in doubt, the ongoing controversy demonstrates the legacies of the survivors' challenge to the "liabilities of conquest."

⁸⁹ Leslie Reed, "Johnny Depp's Wounded Knee Offer Called Generous, But Some Think It's Misguided," *Omaha World-Herald*, July 13, 2013, accessed July 13, 2013, http://m.omaha.com/om/pm_116533/contentdetail.htm?contentguid=18ueOeCZ; Brandon Ecoffey, "Wounded Knee: Offer on the Table," *Indianz.com*, July 17, 2013, accessed July 28, 2013, <http://www.indianz.com/News/2013/010490.asp>.

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PUBLICATIONS

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CONFERENCE PRESENTATIONS

“Liquidating the Liability of the US for Wounded Knee.” Presented at the Western History Association Annual Meeting, Denver, Colorado, October 13, 2012.
“‘We Lost Our Properties and Whole Families. . . [in] that Massacree [sic]’: Reparations Politics and the Struggle Over Wounded Knee Memory, 1890-1920.” Presented at the Seventh Annual James A. Rawley Graduate Conference in the Humanities, The Homestead National Monument, March 31, 2012.
“‘In Memory of the Chief Big Foot Massacre’: The 1903 Wounded Knee Monument and the Politics of Indian War Memory.” Presented at the Western History Association Annual Meeting, Oakland, California, October 15, 2011.

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ABSTRACT

LIABILITIES OF CONQUEST: WOUNDED KNEE AND THE POLITICS OF MEMORY

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On December 29, 1890, the US Seventh Cavalry held Minneconjou Lakota Chief Big Foot and his followers in custody at Wounded Knee Creek, South Dakota. As the soldiers disarmed the warriors, a single shot caused the cavalymen to fire at the largely unarmed Indians, resulting in the deaths of hundreds of Lakota men, women, and children, as well as three dozen troopers. The event immediately entered the realm of memory, as defenders and detractors of the cavalymen sought to determine exactly what had occurred at the creek. A court of inquiry declared that Wounded Knee was a heroic victory over “fanatical,” “hostile,” and “treacherous” Ghost Dancers. To commemorate the Seventh Cavalry’s gallantry, army officials awarded the soldiers twenty Medals of Honor and erected an obelisk at Fort Riley, Kansas, to honor the men slain in the “last battle” of the Indian Wars. In the years that followed, the Lakota survivors—scattered, impoverished, and marginalized—engaged in the politics of memory in compensation petitions, translated accounts dictated to sympathetic whites, and even on a monument at the mass grave. In response to their compensation claims, government bureaucrats in the early twentieth century responded that, because army officials had classified Big Foot’s band as “hostile” in 1890, the survivors were ineligible for reparations. The Lakotas countered by “reinventing the enemy’s language,” focusing on key English words and concepts: Wounded Knee was a “massacre” rather than a “battle,” Big Foot’s band had been “friendly/peaceful” and not “hostile” in 1890, and, because the killings violated the 1868 Treaty of Fort Laramie, the United States had incurred a “liability” that needed to be “liquidated.” For assistance, the survivors sought out “good white people,”

sympathetic individuals who would use their political influence to support the Lakotas' claims. In 1940, nearly fifty years after Wounded Knee, a congressional committee recommended that the United States compensate the survivors for the killings, although the onset of World War II precluded passage of the bill. The survivors' engagement in the politics of memory, however, left legacies that continue to confront the nation's liabilities of conquest.