Conflict over Hunting Rights: Lightning Creek, 1903

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Late in the afternoon of 31 October 1903, a sheriff's posse of thirteen men fought with a group that included forty-one Oglala Sioux adults and their children in what one historian has called “the last blood-spilling fight between whites and Indians in the State of Wyoming.”¹ Seven people, including Sheriff William Miller and Sioux leader Eagle Feather, died as a result of the encounter on the banks of Lightning Creek in Converse (now Niobrara) County, Wyoming.² The immediate cause of the conflict was an attempt on the part of the posse to arrest the Sioux, who resided on the Pine Ridge Indian Reservation in South Dakota, on charges of violating the game laws of Wyoming. Historians who have examined the incident give the impression that the 1903 shoot-out was an isolated event, but in actuality the Lightning Creek affair came at the end of a decade or more of hunting-rights conflicts between American Indians and the state of Wyoming.

The details of the fight at Lightning Creek are difficult to state with confidence, for the accounts of both Indian and white participants vary substantially and are colored by emotion. Even the official reports are contradictory and suspect. The United States Senate published the results of a lengthy investigation in 1904, only to have their accuracy questioned by the government’s chief investigator, the United States attorney for the District of Wyoming, Timothy F. Burke. Similar uncertainty clouds more recent analyses, in which the violent confrontation has been called everything from an incident to a battle. Lightning Creek is often melodramatically remembered and written about in Wyoming, which actively promotes a “Wild West” image. As recently as 1983, the newspaper in Douglas, Wyoming, carried an eightieth-anniversary account of the fight colorfully identifying Sheriff Miller as a “paleface who bit the dust.” Partly because of his dramatic demise, the sheriff enjoys a historical reputation within the state that is every bit as great as that of any other western lawman. The cabin where Miller died is a Wyoming historical site, and a museum named after his widow exists in Newcastle, his hometown.

The events that ended at Lightning Creek began when the Indian agent at Pine Ridge, John R. Brennan, issued passes to two separate groups of Oglala families to make customary plant-gathering trips to the Black Hills of South Dakota. Chief Eagle, one of those who traveled to the Black Hills on a pass, testified later that he had gone to collect two different plants. One, which he called “holy leaf,” had spiritual significance, and the other, a plant “something like sun-
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flowers,” was used as a medicine. Brennan gave one sixty-day pass to twenty-two adults (including Chief Eagle and his wife) and their children on 30 September 1903. William Brown, son of army captain William Brown and his Indian wife, Day Comes Out, led the group. On 20 October, Brennan gave another pass, this one for fifteen days, to a party of nineteen adults who were also traveling with their children. Eagle Feather, also known as Charles Smith from his days as a student at Carlisle Indian School, led this group, which also planned to make a plant-gathering trip to the Black Hills.

According to clerk Arthur L. Putnam, the Weston County, Wyoming, sheriff, William Miller, received word from a hunting party sometime between 20 and 22 October that Indians in the southern part of Weston and northern part of Converse counties were illegally killing antelope and slaughtering ranchers’ cattle. Miller then obtained a “John Doe and Richard Roe” warrant dated 22 October authorizing the arrest of two parties for violation of state game laws requiring nonresidents to pay a fifty-dollar gun-license fee and hire a local guide. The sheriff sent five men on a search to the south and joined them the next day to look for Indians who were allegedly violating Wyoming big-game laws and destroying private property.

Although the warrant said nothing about Indians, from the beginning the posse was looking for the Pine Ridge Oglala led by Eagle Feather. Deputy D. O. Johnston later testified, “The settlers told us Smith [Eagle Feather] was there with a band of Indians killing antelope.” Compounding the situation was the fact that Miller and Eagle Feather already knew and disliked one another. Walter Sellers, a local rancher, testified four months after the violence that he had talked with Eagle Feather about Miller in the fall of 1901. The Oglala leader told Sellers that he had encountered the lawman in Newcastle.

6. Ibid., p. 123. The plant Chief Eagle refers to may be purple coneflower (Echinacea angustifolia), whose roots, when chewed, provide toothache relief or a sore-throat treatment similar to that of a mentholated drop. Dilwyn J. Rogers, Edible, Medicinal, Useful, and Poisonous Wild Plants of the Northern Great Plains (Sioux Falls, S.Dak.: By the Author, 1980), p. 51. In recent times, some Sioux have continued to use the plant, which can still be found in the Black Hills. One woman, interviewed in 1969, recalled going with her mother to the hills “around Rapid City” to get the roots.


8. S. Doc. 128, pp. 5-6, 96, 100-101; Arthur L. Putnam to Fenimore Chatterton, 10 Nov. 1903, and William Mecum to Fenimore Chatterton, 9 Nov. 1903, Lightning Creek Raid File, Gov. Fenimore Chatterton Records, Wyoming State Archives.

where “the sheriff cautioned him not to hunt illegally. [Eagle Feather then] told the sheriff that antelope had no brands on, and he would kill them if he chose.” The enmity was apparently known to others. A week after Lightning Creek, Weston County Attorney William F. Mecum wrote Gov. Fenimore Chatterton that “each had bad feelings toward each other by reason of past dealings.”

While looking for Eagle Feather’s group, the eager posse arrested eight other travelers from Pine Ridge on 24 October near Lance Creek in Converse County. After disarming them, Miller sent the captives back to Newcastle. When Brennan traveled there after the Lightning Creek trouble, he found the group still in custody. Pointing out that its members had been returning from an authorized visit to the Crow Agency and were “mostly old people . . . [who] more than likely had not shot a gun off in twenty years,” he secured their release.

Still working with the same warrant, Sheriff Miller and his men turned south and soon discovered signs of Eagle Feather’s wagon, whose broken axle “made a trail all the way . . . into Converse County.” On 30 October, after a week-long search, the posse found the Eagle Feather and William Brown groups camped together on the dry fork of the Cheyenne River in Converse County, a little more than one hundred miles west of Pine Ridge. The two groups had met a day or two earlier and were headed for home, most likely because Eagle Feather’s pass was about to expire.

Both Eagle Feather and Brown were absent when the Miller party arrived at the Cheyenne River camp. Brown’s wife prepared a dinner, which the posse members ate while awaiting the men’s return. Indian and non-Indian eyewitnesses agree that when the men arrived back at camp, Sheriff Miller presented Eagle Feather with the warrant, and the two had words. Deputy R. B. Hackney recalled that after Miller read the warrant, Eagle Feather replied, “I know
the law, and I know your duty as well as you do, and what they ex-
pect of you, but you can’t take me.” In reply to the sheriff’s con-
tention that the Indian leader ought to go to Newcastle and be 
cleared, Deputy James C. Davis heard Eagle Feather say, “As far as 
you taking me to Newcastle, I will not go; I don’t live there.”

Sheriff William Miller headed the posse that pursued the Pine Ridge Oglalas to Lightning Creek.

The sheriff then talked to Brown, who was willing to take his group to Newcastle, although he later testified that he had no idea he was

16. Ibid., p. 77.
17. Ibid., p. 73. Davis also recalled him saying to the sheriff, “I know your business as well as you do.” Deputy Johnston remembered it as, “I . . . know more of the law than you do” (Ibid., p. 57). Indian witnesses to the exchange denied such de-
fiance by Eagle Feather. Brown said that although he was present, he did not hear the talk. Ibid., p. 127.
The Oglalas involved in the Lightning Creek incident traveled across the southern portion of the area depicted in this 1911 map.

being arrested.¹⁸ Last Bear, a member of Brown’s group, corroborated his story, stating, “William was willing to go along with the white men. . . . Smith was the one who refused to go.”¹⁹ When the entire band broke camp and began to move, Miller mistakenly thought

¹⁸ Ibid., pp. 126-27.
¹⁹ Ibid., p. 133.
that Brown's acquiescence had spread and that all of them were going to Newcastle. Eagle Feather, however, had told the group that they were going home. Surprised when the Oglalas broke off from the posse to head in another direction, Miller decided to let them go and seek reinforcements at neighboring ranches. As they departed, the posse shouted that they would return in the morning.

The Indians rode all night, camped briefly in the morning, and were traveling on a wagon road along Lightning Creek, about thirty miles west of the Wyoming-South Dakota border, when a gunfight erupted just before sunset on 31 October. According to Deputy Hackney, the posse, now thirteen strong, had received word from a nearby ranch that the Oglalas were coming and had gone to the creek road to intercept them.20

All witnesses agreed that the sheriff's men took positions behind the creek bank parallel to the road along which the Oglala wagons were strung out for several hundred yards. Whether this position was meant as an ambush or as a defensive move is unclear. The testimony of the deputies contradicts that of the Indians in regard to both the shouting of a warning as well as who fired the first shot. Deputy Fred W. Howell stated that he saw and heard the sheriff, gun in hand, climb the bank and order the band to surrender, and that a shot followed. Deputy Johnston reported seeing a puff of smoke come from the Indian group at a point near where he later found the body of Black Kettle, one of four Indians killed. The Oglalas, on the other hand, dispute this version of how the violence began. Last Bear, who was near the head of the Oglala line and was wounded in the first volley, testified that he heard no warning, only what he thought was cursing in English, and no shot from behind him. Hope Clear, an eighteen-year-old woman whose father was killed in the exchange, said that she and a twelve-year-old boy, Peter White Elk, were on horseback in the lead. When she dismounted to open a gate, she saw white men pointing guns at her. She and the boy were fired upon when they fled, and Peter White Elk was mortally wounded.21

The firing did not last long—between three and five minutes—but it was deadly. Peter White Elk, Black Kettle, Gray (or Roan) Bear, and Deputy Louis Falkenberg perished immediately. Sheriff Miller, Eagle Feather, and Eagle Feather's wife, Susie, died later from wounds. Last Bear received a gunshot wound in the back but later

20. Ibid., pp. 53, 78, 133.
21. Ibid., pp. 12, 63, 68, 89, 129, 133. Mecum to Chatterton, 9 Nov. 1903, contains a map of the battle site.
recovered. Hope Clear and her mother returned the next morning to bury the dead and to build a fire to warm the injured Eagle Feather, who had lain on the frozen ground all night. Later that day, deputies transported the bodies of Miller and Falkenberg to Newcastle and took Eagle Feather to a ranch house, where he died that night.\(^{22}\)

William Brown, who denied firing any shots, testified that when the fight began, he, like most of the group, "just turned around and flew. I had my wife and children."\(^{23}\) Some made it back to Pine Ridge. However, nine men, including the grieving father of Peter White Elk, were arrested for the shootings near Edgemont, South Dakota, by yet another posse raised when word of the killings reached Newcastle. A preliminary hearing held 14 November in Douglas, Wyo-

\(^{22}\) S. Doc. 128, pp. 14-16, 25, 61, 70, 130. All of the Oglalas killed had left Pine Ridge on the Eagle Feather pass of 20 October. 
\(^{23}\) Ibid., p. 127.

Authorities ultimately dropped murder charges against the nine men arrested for the Lightning Creek killings.
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The Lightning Creek fight, resulting in the release of the prisoners, however, due to lack of positive identification. No members of the posse were ever charged.24

The matter did not end with the hearing. In the local press, at the state capitol, in Washington, D.C., and at Pine Ridge, Lightning Creek aroused heated discussion and inquiry. After conducting an investigation at Pine Ridge, the Oglala Council concluded that the Indians had fired in self defense and that the posse members should be tried for murder. The Sioux also cited their rights under the Fort Laramie Treaty of 1868 and the Black Hills Agreement of 1876, which, they asserted, guaranteed their right to hunt in either South Dakota or Wyoming as long as there was game.25

24. Ibid., pp. 14-15, 32; Barton R. Voigt, “The Lightning Creek Fight,” Annals of Wyoming 49 (Spring 1977): 11, 15. The other men charged in the shootings were He Crow, Fool Heart, Jesse Little War Bonnet, Charging Wolf, Broken Nose, Red Paint, High Dog, and Iron Shield. Most accounts agree that the guilty parties were killed in the exchange. S. Doc. 128, p. 96.
Non-Indians, including some Wyoming inhabitants, were divided about who was responsible for the killings. Wyoming Governor Fenimore Chatterton defended Sheriff Miller's actions in letters to both Brennan and the governor of South Dakota, and Congressman Frank Mondell wrote Miller's widow to commiserate with her about the injustice of the acquittals. But Timothy F. Burke, the United States attorney for Wyoming who acted as counsel for the nine Oglalas, took depositions at Pine Ridge and found the evidence against the sheriff. He wrote to his superior, the attorney general of the United States, about Miller's "mistaken action" in attempting to arrest a large group of Indians under a warrant for two persons and in serving it outside of the county where he had jurisdiction. Even though the Indians admitted to breaking Wyoming game laws regarding the purchase of untanned hides, Burke concluded that under the circumstances they were "legally justified in resisting arrest." Their use of guns was not justified, however, unless the sheriff's posse had fired first. "That fact," Burke wrote, "is in such hopeless uncertainty I can not believe that anything is to be gained by further prosecution." John Brennan, by now in an "us against Wyoming" mindset, wrote to Burke, commending him for handling "the Indians side... in proper shape" despite "the fact of your being a citizen of Wyoming."

After Lightning Creek, Agent Brennan himself became a controversial figure. Some Wyoming inhabitants blamed the entire episode on his alleged irresponsibility in giving passes. Allowing the Pine Ridge Sioux to go on medicine-gathering trips, they said, amounted to little more than tacit permission to hunt in defiance of Wyoming law. Some accused Brennan of outright lying about his responsibility in the matter, and a few Newcastle citizens declared that he ought to be shot for what happened at the creek. Wyoming Congressman Frank W. Mondell filed a protest with the Office of Indian Affairs accusing Brennan of bad management.

Mondell's charges against Brennan caused such a clamor that the Department of the Interior sent its own investigator, Charles S. McNichols, to Wyoming and asked the United States attorney general to investigate as well. In his own defense, Brennan told investigators that the issuance of fall passes for visiting neighboring

reservations or making medicine trips to the Black Hills was not unusual. The commissioner of Indian affairs and the United States attorney for Wyoming both agreed that the Oglalas were lawfully absent from Pine Ridge. Inspector McNichols found “Agent Brennan’s conduct throughout as admirable.”

Nevertheless, the testimony of the Oglalas who traveled to Wyoming suggests that they went both for medicine and for hunting.

Complaints from Wyoming Congressman Frank Mondell sparked an investigation of Brennan’s conduct in the Lightning Creek affair.

Fool Heart, who was listed on Brown’s pass, said that he had taken a shotgun and went along “to kill some prairie dogs and prairie chickens.” Brown and Chief Eagle both admitted to the same pur-

30. S. Doc. 128, p. 15.
31. Ibid., p. 120.
pose. While several members of both parties denied hunting antelope in Wyoming, they did admit that big game had been taken in the Black Hills of South Dakota. Other party members, including Gray Bear’s wife and daughter, admitted to possessing animal skins but said that they had purchased or traded for them, a misdemeanor under Wyoming law. Therefore, the fact that members of both groups went to hunt as well as to gather plants can be substantiated, but whether they took big game in Wyoming cannot. Whether Brennan knew of the hunting intentions or not is unknown, but he probably should have.

The Senate Committee on Indian Affairs gathered and published the findings—inquiry reports, depositions, and exhibits—obtained from both the Interior Department and the attorney general’s in-

Pine Ridge Agent John Brennan received criticism for his staunch support of the Oglalas involved in the Lightning Creek fight.

32. Ibid., pp. 48, 102-3, 123, 126, 131. A white sheepherder acknowledged that he had traded meat and hides for beadwork and moccasins. Voigt, “Lightning Creek Fight,” p. 12.
vestigation. When the final report appeared on 27 January 1904, however, the adversarial lines only hardened. Brennan wrote Burke, “After reviewing senate document no. 128, I am of the opinion that our side . . . has the best of it.” Mondell, for his part, got a look at the report two weeks before it became public and forewarned Sheriff Miller’s widow, writing, “I am now confronted with a situation in which all the official reports are adverse to our view.”

Two schools of historical interpretation regarding the events at Lightning Creek have developed along similar lines. One blames the defiant and arrogant Eagle Feather for knowingly violating the law and challenging Miller, thus bringing violence upon his own people. The other interpretation follows the lead of the government investigators, pointing the finger of blame at the sheriff himself. Other than popular news accounts, the first published history of Lightning Creek was produced by Ernest M. Richardson, who wrote a small book in 1956 and an article for *Montana, the Magazine of Western History* in 1960. Related by marriage to Sheriff Miller, he wrote a rather biased defense of the lawman but was the first to consult the Senate report and other original accounts. According to Richardson, Sioux forays into Wyoming had been common in the decade before Lightning Creek, trying the patience of area citizens and law enforcement officials alike. Richardson blamed Eagle Feather’s Carlisle education and eastern “do-gooders” for producing the arrogance that led to his first encounter with the sheriff in 1901 and resulted in the deaths of both men two years later. With the “smattering of white-man book-learning” Eagle Feather brought back to the reservation, he managed to convince a number of Pine Ridge Indians that the treaties allowed the Sioux free license to kill any game, anywhere. Richardson contended that the warrant Miller carried was legal, that both Miller and posse member John Owens announced their intentions before the shooting, and that an Indian, Black Kettle, fired the first shot. The Senate report, which he termed “bureaucratic whitewash, mixed with the essence of pure buncombe,” was a coverup for the incompetence of eastern bureaucrats whose wrongheaded policies resulted from ignorance of life on the frontier.

34. See Richardson, “Sullen Sioux,” and *The Battle of Lightning Creek* (Pacific Palisades, Calif.: n. p., 1956). The editor of Richardson’s journal article admitted in a footnote that the author “had a strong personal stake and a bias” but insisted that the piece “stands up under historical investigation” (p. 43).
36. Ibid., p. 52.
In 1977, the *Annals of Wyoming* published Barton Voigt’s findings regarding the Lightning Creek affair. While Richardson had made Miller a martyr, Voigt considered him a racist and the likely perpetrator of the violence. “Historians have generally propagated [the] theory of Sheriff Miller’s comparative innocence,” Voigt wrote. “Although Miller was well known as a brave and honest sheriff, his conviction to do his duty seemed to increase whenever Indians were involved.” Voigt pointed out that the documents and testimony presented for the Senate investigation did not substantiate the charges for which Miller was attempting to arrest the Indians in the first place—that of killing big-game animals in Weston County, Wyoming. Moreover, Voigt noted, the Indians were reported to have killed the antelope between 20 and 22 October, which did not leave enough time for Eagle Feather to have traveled to the area from Pine Ridge. Therefore, the author concluded, Eagle Feather and the others were stopped only because they were Indians. Voigt also leaned toward blaming the posse for the first shot.

Neither Richardson nor Voigt attempted, other than briefly, to relate Lightning Creek to previous incidents in the longstanding conflict between Indians and white settlers over hunting in Wyoming. At the time of the 1903 shoot-out, however, Wyoming Governor Fenimore Chatterton had worked hard to point out the similarities between the Lightning Creek case and the state’s 1896 problem with hunting by Bannock Indians from Idaho. While the earlier conflict may not have made the Oglala-Wyoming encounter inevitable, it goes far toward explaining why it occurred. The Bannocks were Paiutes from Oregon who joined the Northern Shoshones in the Snake River Valley of southeast Idaho sometime in the eighteenth century. In 1868, the Fort Bridger Treaty placed both groups on the reservation at Fort Hall, Idaho, but permitted them to continue hunting on their traditional grounds, which included Wyoming. The Bannocks often hunted elk and deer in the Yellowstone region a little over one hundred miles east of Fort Hall and antelope in the Green River area of southwestern Wyoming. When Wyoming was admitted to the Union in 1890, however, state officials sought to end the practice. Yellowstone Park authorities first complained about Bannock hunting in 1890. Miners and other settlers joined

37. See Voigt, “Lightning Creek Fight.”
38. Ibid., p. 20.
39. Chatterton to Herreid, 4 Nov. 1903.
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in, and by 1893 Wyoming governor John E. Osborne had written a sharp letter to the commissioner of Indian affairs, D. M. Browning, demanding that the Bannocks be confined to the Fort Hall reserve because they "slaughtered game in large quantities merely for the sake of killing and for the hides."  

In 1894, Browning sent a circular to all agents in Idaho, Wyoming, Montana, Utah, North Dakota, and South Dakota, stating that Indian treaty hunting rights did not allow the "slaughter of wild animals in vast numbers for the hides only." Furthermore, Indians who violated their permits to visit friends or relatives by going hunting would be prohibited from leaving their reservation again. They would also be liable to arrest by state officials for violating game laws. Thus the scene was set for the arrests of the Oglala Sioux nearly ten years later.

Behind the complaints of Wyoming residents about the Indians' overkill of game was the citizens' desire to exploit the sport-hunting industry, an activity that attracted eastern wealth. In June 1895, Gov. William A. Richards alerted Uinta County commissioners about "positive information of the fact that a great number of parties intend visiting ... this fall for the purpose of hunting." Richards also expressed his concern that continued hunting by Indians "will soon clean the game out," taking with it an important form of state income.

Despite the Indian commissioner's circular and the complaints of state officials, the Bannocks continued to leave Fort Hall to hunt in Wyoming for several reasons. First, their strong hunting tradition persisted despite the move to the reservation. In 1895, the Fort Hall agent wrote Commissioner Browning, "The Bannack [sic] Indians do not take kindly to agriculture ... , the majority preferring to hunt." Second, because reservation rations were inadequate, hunting was necessary for survival. In April 1895, for instance, over two hundred Fort Hall Indians petitioned the Idaho governor with a number of complaints, among them insufficient rations. Even Brig.


43. Richards to Board of Commissioners, Evanston, Wyo., 17 June 1895, General Correspondence, Uinta County Clerk Records, Wyoming State Archives.


45. Madsen, Northern Shoshone, p. 135.
Gen. John J. Coppinger, who commanded the Department of the Platte, contended that hunting was essential for the Bannocks “to supply food for themselves and families, which is not furnished by the Indian Department in quantities sufficient to sustain them.” Maj. Adam Kramer, commander at Fort Washakie, Wyoming, agreed. He refuted the charges of wanton slaughtering that had been leveled against the Indians, writing, “The [Bannocks] have been only on their

Complaints from Wyoming residents extinguished the hunting rights of the Fort Hall Bannocks in the mid-1890s.
usual hunts, not for the sake of killing the game for the hides alone, as the settlers claim, but to procure meat to subsist.\(^4\)

Not surprisingly, the Bannocks resumed hunting in Wyoming as soon as the mountain snows melted. Bolstered by the anti-Bannock stand of the Indian commissioner and their governor, Wyoming inhabitants reacted quickly. On 15 July, a party of settlers engaged in the profitable big-game guiding business who had seen the commissioner’s 1894 circular captured nine Bannock hunters in Jackson Hole. One Indian was killed while trying to escape, and another was wounded. In addition, two children were lost, one never to be found. The frightened Bannocks returned to Fort Hall, and cries for the punishment of the settlers reached the Indian commissioner in Washington, D.C.\(^4\)

At nearly the same time, on 20 July 1895, the Wyoming legislature enacted the game laws that later played a role in the trouble at Lightning Creek. These laws appeared to be in direct violation of the Fort Bridger Treaty and a usurpation of federal sovereignty. In an attempt to resolve the treaty-rights question, Commissioner Browning proposed to Governor Richards of Wyoming that a test case be arranged in which a Bannock would be arrested for violating the new state game laws and be tried in federal court. When the governor agreed, a Bannock man named John Racehorse was selected and charged. On 21 November, the Wyoming circuit court judge decided against the state, affirming the right of the Bannocks to hunt and declaring the game laws in violation of the Fort Bridger Treaty. Wyoming immediately appealed to the United States Supreme Court, which reversed the decision six months later. The high court justices ruled that Wyoming statehood extinguished the treaty rights of the Bannocks to hunt in the state. In short, the state had sovereignty in the matter.\(^4\) Reservation passes from Fort Hall

46. Coppinger to Adjutant General, 28 Aug. 1895, Doc. 23403-95, and Kramer to Adjutant General, 19 July 1895, Doc. 23148-95, Records of the Adjutant General’s Office, Record Group 94, National Archives, Washington, D.C.


diminished quickly in light of the 1896 Supreme Court decision, and Bannock hunting in Wyoming ceased within a few years. As one historian has aptly put it, the Racehorse decision made the Bannocks "truly reservation Indians."\(^{49}\)

Thus the Bannock case prepared Wyoming authorities for their stand against the Oglalas in 1903. With their sovereignty over Indian hunting within state borders already affirmed, they believed they were justified in requiring the Oglalas to comply with state game laws. In fact, Governor DeForest Richards had written to Secretary of the Interior E. A. Hitchcock in 1899 informing him that Wyoming fully intended to enforce its game laws against the Pine Ridge Sioux.\(^{50}\) The actions of John Brennan and those who defended him contradict the position taken nearly a decade earlier by the commissioner and high court in the Bannock case. While nothing had happened in the interim to suggest a change in federal policy, Brennan acted as though ignorant of the law.

The Bannock case also shed light on the motivations of the Oglalas. While the Bannocks and the Sioux were two different peoples, similar forces propelled both into conflict with Wyoming officials. In 1900, the Sioux of the Rosebud Indian Reservation in South Dakota had addressed a letter to the president of the United States to protest the latest in a long line of ration reductions. Such cuts, they contended, violated the 1876 Black Hills Agreement stipulating that the federal government would provide for the Sioux "until the Indians are able to support themselves."\(^{51}\) Instead of having its intended effect, the letter spurred the Interior Department to examine the ration system and conclude that it had failed to fulfill its original purpose—that of encouraging the Indians to become self-sufficient. In 1901, Commissioner W. A. Jones, in keeping with progressivist Indian policy, decided the time had come to complete the government's program of forced assimilation. In June, he sent a directive to six Sioux agencies calling for the elimination of rations for all self-supporting men as well as those able-bodied who refused to work.\(^{52}\) Not only would the move encourage industriousness among the Sioux, it would also "relieve the Government of an enormous burden."\(^{53}\) In January of 1902, the commissioner went even further.

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49. Madsen, Northern Shoshone, p. 140.
52. Ibid., p. 5.
ordering that rations for all able-bodied Indians be stopped and that
the money be used to pay them for work on reservation-improve-
ment projects. As it had in the case of the Bannocks, this throw-
ing of "the Indian entirely upon his own resources" played a role
in the Lightning Creek incident.

At Pine Ridge, resistance to the new policy had taken the form
of a call to arms. Agent Brennan reported that a "howl came up from
the old chiefs" when he informed them of the changes, and several
went so far as to "advise the young men to get their guns and ponies
ready for trouble." The traditional leaders also adamantly opposed
allotment, with its emphasis on farming, and worked to stop its im-
plementation on the Pine Ridge reserve. The fact that much of the
wage work on the reservation was farm-related (ditching, fencing,
and so forth), may be an indication of Indian resistance to allotment
and other "progressive" changes. In August of 1903, Brennan
reported that six thousand of the reservation's seven thousand
residents were still on rations and that "none of the land on Pine
Ridge has been allotted."

Smithsonian Institution, 1988), vol. 4: History of Indian-White Relations, Wilcomb E.
Washburn, ed., p. 63.
55. Ibid., 1901, pt. 1, p. 5.
56. Ibid., 1902, pt. 1, p. 337.
Another manifestation of Oglala resistance to the ration reduction may have been a return to traditional ways, including the resumption of the annual medicine trips. William Brown, when asked how often Pine Ridge residents went on these trips, replied that they were “customary” but that he had only recently begun to make the trip. Fall hunting, as with the Bannocks, would also be a traditional, logical reaction to the cut in rations.\(^5\)

After the Lightning Creek episode, the reports and statistics from Pine Ridge began to change. In his 1904 report to the commissioner of Indian affairs, Agent Brennan reported that eighty percent of the Pine Ridge Oglala derived subsistence from “labor in civilized pursuits,” while only twenty percent depended on government rations. None were reported to have made their living by “hunting, fishing and root gathering.” In July 1905, Commissioner of Indian Affairs Francis E. Leupp reported that at Pine Ridge “many of the Indians who have heretofore strongly opposed allotments have now changed their minds and made their selections, among others Red Cloud and American Horse.”\(^6\) Brennan reported the same year that the earlier opposition of the “older and nonprogressive Indians” had been overcome and “allotments are being made without any further trouble.”\(^6\)

Whether or not Lightning Creek was a major causal factor in this turnabout, it may well have been a catalyst in the melting away of opposition by the more tradition-minded residents of Pine Ridge. More importantly, this change in attitude indicated that permits to leave the reservation had diminished as a result of the violence at Lightning Creek. In his statements to investigators, Agent Brennan had denounced the use of medicine-gathering passes for hunting purposes. The end of off-reservation hunting would certainly have facilitated the acceptance of allotment and helped to make the Oglalas, as it had the Bannocks, “truly reservation Indians.”

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58. S. Doc. 128, p. 126. He Crow, a member of Brown’s party, testified that many people made the trip for medicine plants annually, but 1903 was the first time he had gone. Ibid., p. 112. Oral history supports the continuing significance of the hunt to the Sioux in South Dakota in the early 1900s. See interview of Charles Little Dog, Rosebud, S.Dak., by George Nielsen, Summer 1971, Tape No. 0730, SDOHP. Little Dog, eighty-three years old at the time of this interview, recalled the importance of subsistence hunting in the days of his youth.


60. Ibid., 1905, pt. 1, p. 338.