The Oahe Dam and the Standing Rock Sioux

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In January 1960, 190 Indian families on the Standing Rock Sioux Reservation were evicted from their homes by the United States Army Corps of Engineers. In the midst of a fierce Dakota winter, with temperatures falling as low as thirty degrees below zero, these people were forced to gather all of their possessions and evacuate their land adjoining the Missouri River. The Corps of Engineers had declared that this land would soon be flooded by the Oahe Dam. Because the federal government had not previously made funds available for the relocation and reconstruction of their homes, these Indian people were crowded into cold, cheerless trailer houses, which they had to maintain at their own expense until permanent housing could be prepared. Only later did the Standing Rock Sioux learn that this hardship had been entirely unnecessary. The eviction date established by the Corps had been an arbitrary one. Tribal members could have remained in their homes for several more months without interfering with completion of the Oahe Reservoir.1

This incident is all too typical of the recent history of government attitudes concerning Indian land and water rights. Because they have traditionally lived in the river valleys and perhaps because they have very little political significance, Native Americans seem to have suffered to a great extent from both dislocation and human insensitivity in regard to the construction of flood control and reclamation projects. In Pennsylvania, for example, the federal government violated

America's oldest treaty in order to obtain 9,000 acres of Seneca land for the Kinzua Dam on the Upper Allegheny. Other tribes have been similarly affected by projects in the Columbia and Colorado river basins as well as in California.

Since World War II, several reservations have been adversely affected by the construction of federally administered dam projects on the nation's major rivers. While these dams have provided improved flood control, irrigation, navigation, hydroelectric power, recreation, and other important benefits for the general public, Indians always seem to be the last ones to receive these advantages. Not only have these projects produced immeasurable hardships for people unfortunate enough to live within the reservoir areas, but they have also caused the destruction of the natural ecological features and scenic values of the environment. As a result, the necessity for these dams has often been questioned. Concerned only with the larger accomplishments of these massive projects, the American people have often ignored the fact that the dams also involve many smaller matters of economic and human relations. It is precisely in regard to these kinds of relationships that the federal government and particularly the Army Corps of Engineers has demonstrated a serious lack of sensitivity.

In the Missouri River Basin the Pick-Sloan Plan, the joint water development program of the Corps of Engineers and the Bureau of Reclamation, caused hardship to virtually every tribe with lands along the Missouri and its tributaries. One of the projects constructed under Pick-Sloan, the Oahe Dam, flooded nearly one hundred sixty thousand acres of Indian land on the Standing Rock and Cheyenne River reservations in North and South Dakota.

The Standing Rock Sioux Reservation provides material for an especially appropriate case study. In the first place, these Indian people were forced to relinquish their best land and resources, evacuate their homes and ranches in the weeded bottomlands along the Missouri, and take up inferior lands within the reservation. Hence, the disruption of their way of life was relatively more severe than is usually the case with other people dislocated by public works projects. In addition, because the Oahe Dam was one of the first Pick-Sloan projects on the Missouri, sufficient time has elapsed since the Standing Rock
Sioux were displaced to permit an evaluation of the consequences.

Hidden among the windswept buttes and prairie wastelands of the Dakotas, the Standing Rock Reservation is populated by descendents of the Blackfoot, Hunkpapa, and Yanktonai bands of the Sioux Nation. Established as a separate entity when the Great Sioux Reservation was subdivided by an act of 2 March 1889, the original area of the reservation encompassed over 2.3 million acres. When North and South Dakota were admitted to the Union in that same year, Standing Rock was split by the boundary line between the two states, a division that has only served to complicate jurisdictional problems on the reservation. Through a long series of land cessions the reservation was reduced to approximately 1 million acres by 1951. At present, the 844,000 acres of Indian land remaining in trust covers the area of Sioux County and a small portion of Adams County in North Dakota and Corson County and small portions of Dewey and Ziebach counties in South Dakota.  

In September 1948, at a site 100 miles southeast of Standing Rock Reservation and 6 miles northwest of Pierre, South Dakota, the Corps of Engineers began construction on the largest rolled-earth dam in the world. The Oahe Dam was the third major Missouri River project constructed under the Pick-Sloan Plan. This water development program was authorized by Congress as part of the Flood Control Act of 1944. Designed to end the disastrous cycle of floods, erosions, and droughts, which constantly plagued the residents of the Missouri River Basin, the Pick-Sloan Plan proposed the construction of 118 dam projects on the Missouri and its tributaries.

At an estimated cost of over $380 million, the Oahe Dam and Reservoir project turned the muddy Missouri into a big blue lake longer than Ontario and deeper than Erie. It produced the largest hydroelectric power plant and second largest dam and reservoir capacity of all Corps of Engineers projects. The

reservoir also became the largest one on the Missouri, stretching 250 miles northward to Bismarck, North Dakota. Although the Oahe Dam site itself was not located on Indian land, the Oahe Reservoir, eventually named Lake Oahe, flooded more Indian land than any other government project. Nearly fifty-six thousand acres on Standing Rock Reservation and over one hundred four thousand acres on Cheyenne River Reservation were inundated once the gates of the dam were closed.  

Pick-Sloan represented a compromise between the separate water resource programs designed by Colonel Lewis A. Pick of the Corps of Engineers and Glenn W. Sloan of the Bureau of Reclamation. The Pick Plan was primarily concerned with the development of flood control measures to benefit the lower Missouri Basin, whereas the Sloan Plan was preoccupied with the construction of irrigation projects in the upper basin area. Although these seemingly conflicting programs were proposed by two agencies that were traditionally at odds, a remarkable conciliation of the two plans was very quickly achieved and rather hastily approved by Congress. This was accomplished partially as a result of the urgent demand for federal action that followed the disastrous Missouri River floods of 1942 and 1943. It also represented an attempt to head off the support that was growing for an alternative plan known as the Missouri Valley Authority (MVA).  

The idea of a Missouri Valley Authority was first proposed by Senator George V. Norris of Nebraska in 1934. Norris envisioned a federally coordinated program similar to the one he had designed for the Tennessee Valley (TVA). A decade later in the midst of the brief debate between the proponents of the Pick and Sloan plans, the MVA idea was again revived by an


editorial in the *Saint Louis Post Dispatch*. It soon gained the support of many liberal Democrats, the most outspoken of whom was Senator James C. Murray of Montana. Although President Franklin D. Roosevelt gave lip service to the MVA idea, he, nevertheless, signed the Pick-Sloan Plan into law, stating rather meekly that he hoped future legislation would place it under MVA administration. But upon Roosevelt's death, the administrative question still remained open.  

In response to the apparently overwhelming opposition to the creation of another New Deal supergovernment structure, the Truman administration placed Pick-Sloan under the direction of a rather loose-knit federal-state body known as the Missouri Basin Interagency Committee. Thus, born of compromise and lacking tight federal coordination, the Pick-Sloan Plan was dubbed by James F. Patton, president of the National Farmers Union and an advocate of the MVA, as a "shameless, loveless, shotgun wedding." But as the partners in this arrangement soon learned, their union was more like a separate maintenance; and whereas the MVA would have received one annual appropriation for all its work, the various agencies under Pick-Sloan had to deal with several separate committees in both houses of Congress for different parts of the water development program.

The backbone of the Pick-Sloan Plan was provided by five massive multi-purpose dams constructed by the Corps of Engineers on the mainstem of the Missouri River. These mainstem dams were supplemented by over one hundred tributary dams built by the Bureau of Reclamation. Whether or not these agencies deliberately chose Indian land over non-Indian land for their project sites as some tribal members charged, their plans ultimately affected twenty-three different reservations in the Missouri River Basin. Although the treaty


rights of these Indians provided that land could not be taken without their consent, none of the tribes were consulted prior to the enactment of the Pick-Sloan Plan, and, in most cases, construction began on the dams, including those actually on Indian property, even before formal negotiations were opened with the respective tribal representatives.  

In 1946 the Bureau of Indian Affairs attempted for the first time to bring the vital interests of the Indians into the overall planning of the interagency committee by organizing the Missouri River Basin Investigations (MRBI) project. The MRBI staff was assigned the task of making detailed and exhaustive studies of the conditions of all Indian land and people affected by Pick-Sloan. Beginning in 1947 this agency issued a series of factual reports designed to aid both the Indians and the government in determining the extent of damages resulting from inundation. It was from the early MRBI reports that the Standing Rock Sioux first learned in full detail the effects of the Oahe Dam on their reservation.  

The inundation of 55,994 acres along the Missouri, Grand, and Cannonball rivers withdrew from the Standing Rock Sioux their most fertile and best forested land. At least 190 Indian families, representing about one-third of the resident population, had to be removed from what was considered the best homesites on the reservation. Their most valuable cattle range and ranch land, most of their gardens and cultivated farm tracts, and nearly all of their timber, wild fruit, and wildlife resources were destroyed.  

Because the Standing Rock Sioux had worked so hard over the years in an attempt to develop a thriving livestock industry, they were greatly embittered by the fact that 30,000 acres of their best ranch land were lost. This resulted in the liquidation or relocation of approximately 60 percent of the most

11. H.R. Rept. 1888, p. 8; S. Rept. 1737, pp. 4-5; MRBI Rept. 29, pp. 18-22.
successful Indian ranches and the removal of at least 3,500 head of cattle. In short, by disrupting the Indian cattle operations, the Oahe project nearly destroyed the primary industry on Standing Rock. 12

Withdrawal of the bottom lands also had a serious effect on other important aspects of the Indian economy. The 11,000 acres of woodland within the reservoir area represented 90 percent of the timbered area on the reservation. This timber supply provided the only source of fuel for at least one-half of the tribal members, and most of them had also depended on it as a source of lumber. Because the practice of gathering and preserving wild fruits was common on the reservation, loss of the plant life caused a great reduction in the natural food supply. The timbered bottom lands also served as a shelter and feeding ground for many different types of wildlife. The hunting and trapping of these birds and animals provided an important source of food, and sometimes income, for 100 reservation families, as well as a source of recreation for others. Though the rivers also contained a variety of fish, the Indians had never learned to exploit this food source and forms of water recreation such as swimming and boating were also uncommon activities.13

The Standing Rock Sioux were somewhat fortunate, however, in that most of their agency headquarters at Fort Yates, North Dakota, remained above the maximum pool level of the Oahe Reservoir. On the Fort Berthold and Cheyenne River reservations tribal members were not so lucky. The necessary relocation of agency headquarters on these reservations had seriously disrupted governmental services and facilities, and subsequently, caused great confusion and hardship for members of the respective tribes. The Standing Rock Sioux did not escape completely unscathed, however, because the town below the agency was flooded and most of the tribal members living nearby had to be relocated. The filling of the reservoir made an island of the agency site, separating it from the mainland by as much as a mile. In addition, five

12. MRBI Rept. 29, p. 21; S. Rept. 1737, p. 4.
cemeteries and a number of private graves had to be relocated.\textsuperscript{14}

As might be expected, the initial reaction of the Standing Rock Sioux to the Oahe project was extremely negative. These Indian people had a strong emotional attachment to the districts in which they were born and the lands over which they exercised proprietary rights. Their precious bottom lands had afforded them a pleasant environment with good quality water from wells and springs and an abundance of timber, game, and wild products. The loss of this land seriously disrupted the social, economic, and religious life on the reservation. None of the Indians wanted to be removed from their land or lose their economic resources. Likewise, they had not been happy about the prospect of having their homogeneous communities uprooted or their fixed and accepted pattern of government services endangered. Besides fear and apprehension, the tribal members also experienced a feeling of anger. They were incensed that the United States was again so willing to breach the faith of its solemn treaty obligations and sacrifice the interests of the Indians in order to satisfy the white man’s desire for progress.\textsuperscript{15}


As a result of this anger, some of the Indians were determined to resist the federal government. They began to plan ways to forestall or postpone the construction of the Oahe Dam, a project that they felt could only mean disaster for them. Had it been possible for all of the tribes affected by Pick-Sloan to organize their opposition, hire a battery of competent lawyers, and gain the support of a few influential Congressmen, an Indian resistance movement in the mid-1940s might have succeeded in eliminating at least some of the mainstem reservoir projects on the Missouri River. But intertribal cooperation was virtually nonexistent at that time, the legal and political resources available to the Indians were extremely limited, and the moment of opportunity soon passed. The federal government ignored what it considered to be the minor protests of the Indians and construction on the dam projects continued according to schedule. 

In the meantime, the Standing Rock Sioux focused their attention on negotiations taking place between Congress and representatives of the Fort Berthold Reservation. The construction of the Garrison Dam on the Missouri required the withdrawal of 155,000 acres of land on Fort Berthold. This included some of the most fertile acreage in North Dakota as well as the primary land on which the Three Affiliated Tribes of Mandan, Arikara, and Hidatsa Indians lived and worked. The Corps of Engineers had threatened to confiscate this land by right of eminent domain. As a result of this coercive tactic, the Fort Berthold Indians were forced to accept a cash settlement of $5,105,625 in 1947. This settlement, considered generous by many in Washington, meant that the tribal members received about $33 an acre for their land, timber, and improvements. From this amount they were also expected to cover the costs of salvaging what they could from the land and relocate and reestablish the tribal members elsewhere.

16. Ibid.; Frank Ducheneaux, former Tribal Chairman, Cheyenne River Sioux Tribe, interview held at private residence, Cheyenne River Reservation, S. Dak., 30 July 1972.
18. Ibid., pp. 256-57; U.S., War Department Civil Appropriations Act, Statutes at Large 61, 690 (1947).
Because they suffered the most drastic effects of the Pick-Sloan Plan, the Three Affiliated Tribes made a desperate appeal to Congress for a more generous settlement. On the basis of their treaty rights, their status as wards of the government, and their economic situation, they felt that a cash settlement based only on the appraised value of their land and improvements did not constitute just compensation in their case. They requested Congress to provide additional funds to cover the costs of removal as well as the rehabilitation and redevelopment of the residual reservation. After a long, hard fight in Washington, Congress in 1949 finally took special cognizance of the situation of the Fort Berthold Indians and provided an additional payment of $7,500,000. However, this final settlement denied them the right to use the reservoir shoreline for any purpose. Congress also refused their request to utilize a block of the hydroelectric power of the Garrison Dam for their exclusive use and to maintain mineral rights within the reservoir area.  

Based on this final Fort Berthold settlement, Congress passed Public Law 870 in 1950. This act authorized the secretary of the Interior Department and the army’s chief of engineers to negotiate separate settlement contracts with representatives of the Cheyenne River and Standing Rock reservations in regard to the lands and rights acquired as a result of the Oahe project. This law declared that the final settlement contracts would not only provide for the payment of just compensation for Indian lands and improvements, but would also cover the costs of relocating and reestablishing tribal members “so that their economic, social, religious, and community life can be reestablished and protected.” It further stated that the final settlement contracts would be negotiated, approved, and submitted to Congress within eighteen months and would not take effect until ratified by an act of Congress and by three-fourths of the adult members of the respective tribes. In the event the negotiators could not reach an agreement on the contract proposals themselves, the

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The passage of Public Law 870 somewhat eased the fears of property owners on Standing Rock who had felt that the Corps of Engineers might make good on its threat to take the Indian land through condemnation. In accordance with this law the Standing Rock Tribal Council appointed a seven-man negotiating committee to meet with designated federal representatives. It also employed the William Davis firm of Kansas City to prepare an appraisal on all Indian land within the Oahe Reservoir area. The Corps of Engineers hired Gerald T. Hart and Associates of Denver to do likewise and a third separate appraisal was later prepared by the MRBI staff. Feeling that the Fort Berthold Indians had been cheated, the Standing Rock Negotiating Committee was determined to obtain a more judicious settlement from the federal government, and in the spring of 1951 they began drafting the tribal proposals for a final settlement.

The contract eventually proposed by the negotiating committee included a number of provisions that guaranteed certain rights, privileges, and benefits to the Standing Rock Sioux. In addition the Indians asked for a cash settlement of over $26.4 million. Of this amount, approximately $2.8 million represented the tribal appraisal of the land, improvements, timber, and severance damages within the reservoir area. Approximately $7.6 million was the appraised value of the indirect and intangible damages caused by inundation. This included both the costs of relocating those members of the tribe who resided within the reservoir area, and the value of the timber, wildlife, wild fruits, and other resources to the entire tribe. Finally, the committee requested $16 million to establish a rehabilitation program for all the tribal members on Standing Rock.

The negotiating committee felt that its request for the
payment of indirect damages and the establishment of a rehabilitation program for the entire tribe was based on a logical premise. Because the whole tribe would suffer from the loss of the natural resources, the disruption of services and activities on the reservation, and the relocation of their relatives and neighbors, which would cause further crowding on the already marginal reservation land; they felt that the entire tribe and not just individual landowners should be compensated for this damage. The tribal negotiators felt that a general rehabilitation program was justified in order to bring the entire reservation up to a decent standard of living. In view of the termination policies then being discussed in Washington, the Standing Rock Sioux also reasoned that the federal government might be willing to offer a settlement that would permit them to make a giant step toward self-sufficiency.24

During this period of the early 1950s, it was apparent that the Standing Rock tribe was in dire need of help. Despite the new attitudes and programs instituted by the Indian Bureau during the New Deal and the comparative prosperity of the post-war years, the majority of the tribal members had not been able to escape the depths of poverty. Even as late as 1955, two-thirds of them still lived in overcrowded one- or two-room log and frame houses with no electricity or indoor plumbing. Less than one-fourth of the adults were regularly employed and less than 8 percent received more than $3,000 a year. Nearly half of the tribal members received welfare assistance and Standing Rock received more relief funds than any other reservation in the Dakotas. The average annual family income had actually dropped from $1,351 to $1,179 between 1950 and 1955, a period during which the rest of the nation enjoyed gradual economic improvement. 25

There were a number of factors responsible for this economic situation. For one thing, the reservation could simply not generate enough job opportunities for its population. Industry could not be attracted to the area, and the Indians had difficulty in both obtaining and maintaining off-reservation employment. The economy was also handicapped by the fact that tribal members did not have effective control over their own land. Because of the severe fractionation of allotted land interests, only 22 percent of the reservation was actually used by Indians.26

The Tribal Negotiating Committee’s rehabilitation program was designed to help alleviate some of these conditions. It envisioned the establishment of several tribally administered self-help services such as loans and grants for higher education, agriculture, housing, small business enterprises, and old-age assistance. Besides the requests for monetary compensation, the committee’s proposed contract also included a number of other important provisions. The negotiators asked that tribal members be allowed to retain all mineral rights within the reservoir area. They also requested the retention of grazing and hunting rights along the shoreline as well as free access to the reservoir. In regard to the dam itself, the tribal negotiators asked that a block of the hydroelectric power output be provided at low cost for the exclusive use of the Standing Rock Sioux.27

In November 1951 negotiations were opened in Washington between representatives of the Department of the Interior, the Corps of Engineers, and the Standing Rock Sioux Tribe. Though these discussions continued for many months and far exceeded the time limits established by Congress, the negotiators could not reach an agreement. Ignoring the provisions of Public Law 870, the Corps of Engineers refused to offer the tribe any more than the assessed value of their land, timber, and improvements as determined by the Hart appraisal. This amounted to only $1.32 million. The Department of the Interior also balked at the tribal requests, and both agencies demanded that the rehabilitation program be made the subject of separate legislation because, in their opinion, it was not germane to the Oahe Project.28

26. MRBI Rept. 151, pp. 2-3; H.R. Rept. 1888, p. 7; MRBI Rept. 124, pp. 12, 24-25, 32.
27. H.R. Rept. 2498, pp. 8-9, 11-12; Agard interview, 8 Aug. 1972.
Refusing to compromise its original requests, the Tribal Negotiating Committee decided to turn the entire matter over to Congress in 1954. A bill embodying the tribal demands was introduced in the House by Congressman E.Y. Berry of South Dakota on 11 June. However, the Eighty-third Congress was preoccupied with making a final settlement with the Cheyenne River Sioux in regard to the Oahe project. The House Committee on Interior and Insular Affairs thus decided to hold the Standing Rock bill in abeyance pending the passage of the Cheyenne River legislation and its acceptance by that tribe. By an act of 3 September 1954 the Cheyenne River Sioux were awarded a cash settlement of $10,644,014, and in January 1955, this settlement was ratified by the adult tribal members on that reservation.  

Based on the Cheyenne River settlement, Congressman Berry and Senators Francis Case and Karl E. Mundt of South Dakota introduced new legislation for the Standing Rock Sioux in the Eighty-fourth Congress. In June 1955 extensive hearings on these bills were held before the House Subcommittee on Indian Affairs. This was followed by a visit of the subcommittee to the reservation in September 1955.

The Indians were repeatedly asked to scale down their requests for severance damages and to cut the costs of the rehabilitation program. Unable to reach a compromise during the course of 1955, Congress resumed hearings on the Standing Rock legislation in January and February 1956. Finally, in June of that year, the House Committee on Interior and Insular Affairs recommended a cash settlement of $14,075,000 and made a favorable report based on that amount to the Committee of the Whole. However, a dissenting opinion was issued by seven members of the interior committee led by Chairman Clair Engle of California. Taking a position similar to


that already articulated by representatives of the Corps of Engineers, these congressmen declared that the final settlement should be determined in federal court rather than in Congress, just like any other matter of "condemnation." They further stated that the amount recommended by the interior committee was "not only unfair, but exorbitant," and that the tribal rehabilitation request should be handled by separate legislation. 31 Because of the debate stirred up by this minority opinion, the Eighty-fourth Congress took no further action on the Standing Rock legislation. As a result, in 1957 a third series of legislative proposals for the Standing Rock Sioux was introduced in the Eighty-fifth Congress by Congressman Berry of South Dakota and Congressman Otto Krueger of North Dakota. 32

In the meantime the Corps of Engineers had managed to acquire most of the non-Indian land needed for the Oahe project and was beginning to make plans for the closure of the dam. In the spring of 1958 the Corps filed condemnation proceedings in the United States District Court of South Dakota for the acquisition of a large tract of land needed for the relocation of a highway and railroad line. Six acres of this land belonged to the Standing Rock Sioux. Despite Indian treaty requirements and the intentions of Congress, the Corps had earlier been permitted to condemn land on the Crow Creek, Lower Brule, and Yankton Sioux reservations in regard to the construction of the Fort Randall Dam project. It had now decided to use this tactic against the Standing Rock Sioux in a test case. 33

In response to this action the tribal lawyers filed an injunction against the Corps of Engineers to halt the further construction of the Oahe Dam until Congress reached a final settlement with the Standing Rock Sioux. They also submitted a motion in the Federal District Court to dismiss the condemnation suit, maintaining that the Corps of Engineers did

not have the requisite authority to condemn tribal land. Although the Fort Laramie Treaty of 1868, as reaffirmed by acts of Congress in 1877 and 1889, provided that the land of the Standing Rock Sioux could not be taken without the consent of three-fourths of the adult members of the tribe, tribal representatives knew that these treaty provisions could be legally abrogated. In such cases as *Cherokee Nation v. Southern Kansas Railroad Co.* (1890), *Thomas v. Gay* (1898), and *Choate v. Trapp* (1912), the Supreme Court had ruled that Congress could abrogate Indian treaties in order to exercise its sovereign right of eminent domain. However, in the case of *U.S. v. North American Transportation and Trading Co.* (1920), the Court had also ruled that a federal agency could not exercise this right without prior congressional authorization. Based on this decision, the Standing Rock Sioux maintained that the action of the Corps of Engineers was illegal because the army had never been specifically authorized by Congress to condemn their land. 34 On 10 March 1958 Federal Judge George T. Mickelson upheld the motion of the tribal lawyers and ruled against the Corps of Engineers. Proclaiming that the condemnation suit was "wholly repugnant to the entire history of Congressional and judicial treatment of the Indians," Judge Mickelson ruled that the Corps could not take possession of the tribal land until after it had been purchased by Congress. 35

Although the condemnation action was thereby effectively blocked, the construction of the Oahe Dam was allowed to continue. As a result of the federal court decision, however, the House of Representatives, which had been dragging its feet for nearly four years in regard to the Standing Rock legislation, was pressured into action. A new bill introduced by Congressman Berry on 3 May was reported with amendments by the Committee on Interior and Insular Affairs on 17 June and passed by the House on 24 July. 36

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o’clock in the morning, giant earth movers began dumping dirt into the Missouri River, and dignitaries gathered at the Oahe site for a public ceremony marking the closure of the dam. Two weeks later the Berry bill was approved by the Senate, and on 2 September 1958 President Dwight D. Eisenhower signed into law an act that provided a final settlement with the Standing Rock Sioux.37

As Public Law 915, this act provided a cash settlement of $12,201,553. Of this amount, $1,952,040 was for the purchase of their land, $3,299,513 was for the payment of all direct and indirect severance damages, and $6,960,000 was for the establishment of a rehabilitation and relocation program.38 The Standing Rock Sioux accepted Public Law 915 with mixed emotions. The tribal negotiators had been fighting for a settlement for nearly eight years and they were naturally relieved to have the battle finally over. However, they were also greatly dismayed by the fact that the final settlement was about $14 million less than the amount they considered to be the fair value of their damages. Given the inevitability of the Oahe project, however, the Standing Rock Sioux could find some consolation in the fact that they had succeeded in obtaining the highest cash per acre settlement of any of the tribes affected by Pick-Sloan. This, they realized, was due largely to the lessons learned from the earlier settlements made with the Fort Berthold and Cheyenne River tribes. The tribal negotiators had also succeeded in getting Congress to approve most of the nonmonetary provisions of their proposed contract, although it ruled that the tribal request for hydroelectric power violated the provisions of the Rural Electrification Act of 1936.39

For the Standing Rock Sioux the negotiation of a final settlement was only the first stage of the Oahe ordeal. In regard to the actual relocation of the Indians and the reconstruction of their facilities, the government soon created even more serious problems for the tribe. Under the provisions of Public Law 915, the Corps of Engineers was given the responsibility of

distributing the relocation funds to the Standing Rock Sioux. The Corps had promised the tribal council that funds would be made available by September 1959. However, it was not until January 1960 that the Indians actually received their money. In the meantime the anticipation of receiving the “flood money” had caused a serious economic slump on the already depressed reservation. The tribal council made a desperate appeal to Washington for the immediate delivery of the settlement funds. The national news media picked up this story and the “starving Indians” of Standing Rock were discovered for the first time by the general public. Subsequently, a congressional delegation was sent to inspect the reservation, a documentary on the living conditions of the tribe was filmed by KSTP-TV in Minneapolis, and the people of America immediately took it upon themselves to donate food and clothing to those tribal members in need of help. When the Corps of Engineers finally did deliver the funds in January, it also served the tribal members with an immediate eviction order. As previously related, the Indians were then evacuated from the reservoir area and crowded into a makeshift trailer camp. But by that time, the public was no longer concerned with the Standing Rock Sioux and this incident went completely unnoticed by the news media.

Public Law 915 had also provided that the Standing Rock Sioux would have a reasonable amount of time in which to salvage all of the timber within the reservoir area. The tribal council had arranged to have a lumber company clear the timber and sell the rough lumber back to the Indians. However, the Corps of Engineers filed an injunction to halt this activity, claiming that it interfered with their own clearing operations. The tribe protested this action and a long period of litigation followed. The court eventually ruled against the Corps of Engineers, but the hearings took so long that the Indians did not have sufficient time to salvage the timber prior to inundation. The Corps did not go to the trouble and expense of salvaging the timber either. As a result, the Standing Rock Sioux were denied lumber that could have been a valuable asset to their rebuilding activities, and a long section of the Oahe

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Reservoir is now cluttered by dead forest and perpetually filled with driftwood.\textsuperscript{41}

In view of the chronic unemployment problem on the reservation, the tribe was annoyed by the obvious reluctance of the Corps of Engineers to hire Indian workers to assist in clearing the reservoir area. Because this activity had such a drastic effect on their lives and property, the Indians felt that they should be given first preference for all jobs they were qualified to perform. The Corps claimed that they had no authority to hire tribal members because it was only authorized to enter into contracts with the lowest bidder on any approved project and could not dictate the employment practices of private contractors. The tribal council, therefore, appealed for help from the North Dakota congressional delegation. But the men in Washington were slow to take action. Finally, in 1961, Senator Milton Young did introduce legislation that would require the Corps to enter into contracts with the tribe for the completion of certain clearing and salvage operations. By the time the Senate Committee on Public Works got around to considering this bill, however, most of the reservoir area had

\textsuperscript{41} Agard interview, 8 Aug. 1972; Morgan, \textit{Dams and Other Disasters}, pp. 56-57.
already been cleared. As a result, Congress took no further action and the Standing Rock Sioux were again denied one of the benefits they had hoped to receive from the Oahe project.\textsuperscript{42}

In conjunction with other construction activities on Standing Rock the Indian Health Service decided to build a new hospital on the reservation in 1961. The majority of the tribe wanted the new facility located at Fort Yates, but Congressman E.Y. Berry wanted it built in his hometown of McLaughlin, South Dakota, on the southern boundary of the reservation. As a result, the tribe was soon involved in another battle in Washington. Senator Quentin Burdick of North Dakota and Abraham Ribicoff, the secretary of Health, Education, and Welfare, sided with the tribe, and due to their favorable influence, a compromise was finally reached. Fort Yates was chosen as the location for the hospital, but McLaughlin was designated as the site for a new Indian health clinic.\textsuperscript{43}

Finally, after fourteen years, the Corps of Engineers completed basic construction on the Oahe Dam in 1962. On 16 August of that year, a crowd of over ten thousand persons gathered at the dam site to witness the formal dedication of the multi-million dollar project by President John F. Kennedy. The president was accompanied by Stewart L. Udall, the secretary of the Interior, Cyrus R. Vance, the secretary of the army, General Walter K. Wilson, the chief of engineers, and George M. McGovern. McGovern had recently quit his post as director of the Food for Peace program in order to campaign as South Dakota’s Democratic candidate for the Senate. After McGovern made a few introductory remarks to the early morning audience, President Kennedy rose to speak. “This dam provides a striking illustration,” the president stated, “of how much a free society can make the most of its God-given resources.”\textsuperscript{44}

The Oahe Dam has now been completed for over a decade. If the benefits that the Standing Rock Sioux received from this project are to be measured, they should first be measured in


View of the Oahe Dam and powerhouse

President Kennedy and other dignitaries at the dedication of the Oahe Dam on 17 August 1962
terms of the purposes for which the dam and reservoir were originally constructed. Assuming that the government of a free society really did “make the most of its God-given resources,” and that the multi-million dollar engineering wonder known as the Oahe Dam was truly designed to be beneficial to the people of the Missouri River Basin, then it should be equally of benefit to those people, both Indian and non-Indian, who were caused to suffer the most as a result of its construction. But such is not the case. The Pick-Sloan Plan was designed to provide the benefits of flood control, irrigation, hydroelectric power, navigation, and recreation. However, one of its biggest projects, the Oahe Dam, has not measurably improved the lives of the Indian people on Standing Rock in regard to any of these provisions.

Flooding was seldom a serious problem on Standing Rock prior to construction of the Oahe Dam. However, the rise in the maximum pool level of the Oahe Reservoir has now caused the water to infringe on Indian land that has never been purchased by the federal government. Fluctuation of the water level of the reservoir has created a far greater hazard to Indian livestock and other resources than any of the infrequent floods of the past.45

Most irrigation units planned in conjunction with Oahe Dam by the Bureau of Reclamation are still on the drawing boards. Few of the residents of the central Missouri Valley have been able, as yet, to take advantage of the irrigation benefits promised by Pick-Sloan. Because of the heavy concentration of Pierre shale on Standing Rock, it remains to be seen whether or not the Indian land really is irrigable. There is also a question as to whether or not irrigation farming will ever be financially feasible for the Indians.46

The Standing Rock Sioux could have received direct hydroelectric benefits from the Oahe project if a block of power could have been set aside for their exclusive use. However, presently, the reservation does not receive any of its power from Oahe Dam. While the Pick-Sloan Plan has definitely increased the availability of electric power in the Missouri Basin,

cost continues to be the most important factor as far as the Indians are concerned, and even as late as 1970, only about 30 percent of the reservation homes had electricity. 47

Even if the Corps of Engineers had provided for a clear channel on the Oahe Reservoir, improved navigation could be of little benefit to the Standing Rock Sioux because few of the tribal members can afford the luxury of boating. Because of the nature of the clearing operations conducted by the Corps, however, clear navigation on Lake Oahe is presently obstructed by the large number of trees left standing above the water surface. These obstacles also interfere with recreation activities in the area, another of the purposes for which the Oahe Reservoir was created. 48

Of all the benefits promised by the Pick-Sloan Plan, however, the most immediate and successful results have been realized in the areas of outdoor recreation and tourism. Over one hundred fifty state and federal recreation areas have been developed along the 2,250-mile shoreline of Lake Oahe, and the reservoir is now recognized as one of the best areas in the country for walleye fishing. Tourism has also flourished and presently over 2 million people visit Lake Oahe each year during the peak recreation season. However, the Standing Rock Sioux have not as yet been able to share in this new prosperity. Because the Indians have traditionally engaged in hunting rather than water sports, the Oahe project, by causing the destruction of wildlife, has actually reduced recreational activity on Standing Rock. However, tribal officials are beginning to realize the economic potential of tourism, and the Standing Rock Sioux have recently completed construction of a beautiful new tourist complex, the Chief Gall Resort, on Lake Oahe across from Mobridge, South Dakota. 49

Another of the benefits promised by the Oahe project was the development of an adequate water supply for municipal, industrial, and domestic uses. While a new water treatment

This cartoon, entitled "Last Stand of the Cheyenne River Reservation Sioux," was drawn by G.W. LaPlant

plant was constructed at Fort Yates and currently supplies that community with good potable water from Lake Oahe, the outlying reservation is still dependent on ground water, which, in most cases, exceeds the federal standards for maximum impurities.50

In regard to agricultural pursuits the Oahe project was supposedly designed to stabilize the soil, reduce the flow of silt, and generally increase productivity. There is no evidence to show that Oahe has brought about any of these desired effects. Several sources report that the reservoir is silting up at a rapid rate and the fluctuation of the water level now causes constant bank erosion. The water level infringes on Indian property and the cutting action of the current endangers both Indians and their livestock. Because the Corps of Engineers refused to build fences along the boundary of the reservoir area and the tribe could not afford to do so, Indian ranchers regularly suffer

livestock losses when their cattle either fall off the eroding banks or drift into the reservoir in search of water.  

The Standing Rock Sioux have received, therefore, almost none of the benefits that were supposed to be provided by the Oahe project, though they have suffered a great deal as a result of its construction. The federal government believes, however, that the $6.96 million appropriated by Congress for the tribal rehabilitation program should be counted as direct benefit of the Pick-Sloan Plan. Such is clearly not the case. As this study has revealed, the Standing Rock Sioux were in dire need of a rehabilitation program prior to the construction of the Oahe project. That they could have received rehabilitation funds from the federal government through separate legislation is almost certain. It is also clear that the rehabilitation program was included in the Oahe settlement only as a matter of expediency. Rather than being considered a beneficiary, the Oahe project should more properly be viewed as a liability to the rehabilitation program. The government funds would have been much more effective if the economic life of the reservation had not been disrupted by the project and if the money could have been used for the improvement of existing facilities and programs. Although the tribe made judicious use of program funds, the project fell far short of its goals. Despite the establishment of the tribal program and the great proliferation of federal programs developed on the reservation during the 1960s by the Bureau of Indian Affairs and other agencies, economic progress on Standing Rock has been very limited. In 1971, 31 percent of the tribal members were unemployed, 56 percent of the families still had incomes of less than $3,000 a year, and 45 percent of the housing was still classified as substandard.

The Oahe Dam caused more damage to Indian land than any other public works project in America. The Standing Rock

Sioux suffered the worst effects of the Pick-Sloan Plan while receiving few of its supposed benefits. Only the Cheyenne River Sioux and the Three Affiliated Tribes of Fort Berthold lost more acreage. The initial responsibility, as well as the ultimate blame for this damage, must fall on the Corps of Engineers, an agency that has repeatedly demonstrated a lack of human sensitivity. The behavior of Congress in discharging its final settlement responsibilities was also less than honorable, as was the high-handed fashion in which the federal government assumed that the Indians would naturally accept monetary compensation for their loss. With a vengeance the supposed "public good" was once again allowed to take precedence over the desires of the Indian minority. Only their special relationship with the government through the BIA and the lessons learned from previous settlements permitted the Standing Rock Sioux to fight for their rights and gain as many benefits as they did.

That such human callousness is entirely unnecessary has been demonstrated by the experience of the Tennessee Valley Authority. The TVA has been consistently concerned with the human consequences of dam construction. As a result, most landowners affected by TVA have enjoyed a more desirable situation after their land was taken than they had known before. While the Missouri Valley Authority might have demonstrated the same concern for human well-being, the Pick-Sloan Plan certainly has not. As can be seen from the case of the Standing Rock Sioux, the Corps of Engineers has given human beings little consideration in the development of its multi-million dollar projects.
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