The Sioux Nation and Indian Territory: The Attempted Removal of 1876

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The second article of the Fort Laramie Treaty of 1868 gave the Sioux Nation sole ownership of the Black Hills country, which lay in western South Dakota. However, enterprising pioneers were not thwarted by the treaty provision and often tried to obtain possession of the region. White speculators living in Missouri River towns expounded on the possible mineral wealth to be found in the area. The lure of yellow gold provided an incentive for the federal government to move into the Black Hills country and open it to white settlers.[1] The United States Army, because of demands to open the Black Hills, sent Lieutenant Colonel George Armstrong Custer to explore the region in 1874. The small quantities of gold that he found led to a booming gold rush in the Sioux-controlled country of western South Dakota. The miners' illegal entry into that region forced Congress to try to obtain title to the disputed land.[2]

During this time of crisis with the western Sioux, Secretary of Interior Columbus Delano thought that the only way the federal government should deal or negotiate with the Sioux Nation for title to any portion of their reservation was through

1. U.S., *Statutes at Large,* vol. 15 (1869), 636; Donald Jackson, *Custer's Gold* (New Haven: Yale University Press, 1966), p. 2; U.S., Congress, House, *Hostile Indians in Dakota,* H. Misc. Doc. 65, 44th Cong., 3d sess., 1873-1874 (Serial 1572), p. 1; *see also* Watson Parker, *Gold in the Black Hills* (Norman: University of Oklahoma Press, 1966), and Jane Conrad, "Charlie Collins: The Sioux City Promotion of the Black Hills," *South Dakota History* 2, no. 2 (Spring 1972): 131-71.

2. Jackson, *Custer's Gold,* p. 115.

Grant's Peace Policy.[3] According to this policy the Indians were considered wards of the federal government and were to be treated in a just and humane manner. In 1875 President Grant appointed the first Black Hills commission that was to obtain the title of the disputed country in an honorable fashion. Iowa Senator William Boyd Allison, a member of the Senate Committee on Indian Affairs, headed the delegation that traveled to the Sioux Reservation in late summer. The commission failed to obtain title to the country because the Sioux wanted more for their land than the commission was authorized to pay, and the stalemate between the commission and the Sioux Nation left the United States without title to the Black Hills.[4]

After the commission's unsuccessful effort, the Board of Indian Commissioners presented the first serious recommendation for removing the Sioux Nation elsewhere as a solution to the Black Hills question. They wanted to break the large Sioux bands into smaller groups or family units and place them on homesteads. The board thought these small units should be placed on farms on their Dakota reservation or removed to Indian Territory in present-day Oklahoma. E. Howard, Sioux Indian agent at the Spotted Tail Agency in northwestern Nebraska, stated that the only long range Indian policy that would benefit the Sioux was removal to Indian Territory. He thought that when the Sioux gave the federal government their title to the Black Hills, they could be induced as a large body to remove to Indian Territory. This was an early attempt to solve the Black Hills ownership conflict; remove the Sioux to Indian Territory and title to the Black Hills could be obtained.[5]

At the same time discussions began on Sioux removal, the peace policy began to deteriorate on the northern plains. E. C. Wakins, special Indian inspector working at various agencies in

3. *Omaha Daily Bee,* 22 July 1875; U.S. Board of Indian Commissioners, *Eighth Annual Report of the Board of Indian Commissioners, 1876* (Washington, D.C.: Government Printing Office, 1877), p. 3.

4. U.S., Department of the Interior, Office of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior, 1875* (Washington, D.C.: Government Printing Office, 1875), p. 36.

5. *Seventh Annual Report of the Board of Indian Commissioners for the Year 1875,* p. 145.

Dakota Territory, advocated the use of military force to curb the activities of some Sioux warriors led by Sitting Bull. He stated, "The true policy, in my judgment, is to send troops against them in the winter, the sooner the better, and whip them into subjection. They richly merit punishment for their incessant warfare, and their numerous murders of white settlers and their families or white men wherever found unarmed."[6] Wakins thought a force of one thousand men would be needed to defeat and force the hostile Sioux into submission. His recommendations began a twofold federal Indian policy toward the Sioux. The congressional and executive branches of government would continue to work with the agency Sioux in a peaceful manner, while the United States Army would begin full war operations against the hostile northern Sioux.[7]

On 3 December 1875 the secretary of war directed the secretary of interior to order all Sioux to return to their respective agencies. Any Indians failing to comply with this order were considered at war with the United States, and the War Department would take any action it thought necessary to force the Sioux to the agencies. Many Sioux were not at their agencies by the end of January, and preparations were begun in February for an army campaign against them.[8]

As the military began to mobilize, Congress attempted to settle the Black Hills question peacefully. During the first session of the Forty-Fourth Congress, Senator William Allison introduced Senate Bill S590, which, as initially introduced, authorized that a peaceful settlement be made with the Sioux Nation for that portion of their reservation known as the Black Hills.[9] Some senators hoped to avoid a military confrontation, despite the fact that army operations were already under way against the hostile northern Sioux. Also, some senators thought that Congress should not provide further support for the Sioux if they did not agree to the provisions of the bill.[10]

6. U.S., Congress, House, *Military Expeditions Against the Sioux Indians,* H. Exec. Doc. 184, 44th Cong., 1st sess., 1875-1876 (Serial 1691), p. 2.
7. Ibid., p. 3.
8. Ibid., pp. 3-4.
9. U.S., Congress, Senate, *Journal,* 44th Cong., 1st sess., 1875-1876, p. 304.
10. U.S., Congress, Senate, *Congressional Record,* 44th Cong., 1st sess., 1875-1876, 4, pt. 2:1768, 1796.

During floor debate, Nebraska Senator Algernon Sidney Paddock, former secretary of Nebraska Territory, added new dimensions to the bill. He wanted the president to appoint a five-member commission to meet with the Sioux and work out a settlement concerning ownership of the lands in question. According to Paddock, the commission's main objective would be to obtain an agreement with the Sioux Nation for the relinquishment of not only the Black Hills, but also for the entire reservation given to the Sioux Nation in the Treaty of 1868. Paddock said, "I think they could more easily be induced to go to the Indian Territory; to remove absolutely from that whole section, and so relieve us from the entire complication which has grown out of the discovery of gold." Sioux removal to Indian Territory, from congressional and pioneer views, would be an easy and practical method of securing Sioux title to the Black Hills.[11]

Paddock's main purpose in advocating Sioux removal to Indian Territory was probably directed at removing the Spotted Tail and Red Cloud agencies from the northwest portions of Nebraska. The Treaty of 1868 defined this area as neutral land to which the Sioux could go, but in a recent court case, *Gordan* vs. *General Ruggles,* a United States federal court ruled that Nebraska was a sovereign state and her citizens could not be excluded from any area within the boundaries of the state. This decision nullified certain provisions of the 1868 treaty. The ruling also made it legal for miners to use these agencies as supply points and rest stops before traveling to the gold fields of the Black Hills. Sioux removal to Indian Territory would be a positive end to Sioux occupation of state lands of Nebraska.[12]

Supporting Sioux removal, Senator Allison observed that in the entire Sioux Reservation the land near the Black Hills was best suited for agricultural purposes. Miners already in the Black Hills would need the land to supply them with food. Also, if the United States gained title to only the disputed land, that area would be surrounded by a vast Indian reservation. Such a situation would hinder communication and travel from the

11. Senate, *Congressional Record,* 44 Cong., 1 sess., 1875-1876, 4, pt. 4:3530-31.

12. *Seventh Annual Report of the Board of Indian Commissioners for the Year 1875,* p. 143.

Black Hills to other parts of the state; therefore, Sioux removal was the best solution to the problems encountered by the miners' entry in the Black Hills.[13]

On the other hand, Kansas Senators John James Ingalls and James Madison Harvey, joined by Missouri Senator Lewis Vital Bogy, disputed any proposed plans to remove the Sioux to Indian Territory and acquire the Black Hills. They wanted peace on the frontier, but believed that there was no need to obtain the Black Hills. These senators thought that the region was best suited for the roving Sioux and that the production of the Black Hills gold mines was not great enough to warrant government expenditures. Also, the government could feed them there as well as in Indian Territory.[14]

Despite this limited opposition, the Senate approved the bill on 3 June 1876, by a vote of thirty to eight. It authorized a commission to visit the various Sioux agencies and negotiate a settlement with them. A provision for the removal of the Sioux to Indian Territory was not incorporated in the bill, but the wording implied that the commission was to obtain title to the entire Sioux Reservation and the Sioux would be placed elsewhere.[15]

After approval by the Senate, the bill was assigned to the House Committee on Indian Affairs. During committee action Missouri Congressman Charles Henry Morgan added an amendment stating that nothing in this bill could be construed or twisted to allow for the removal of the Sioux Nation to Indian Territory. Morgan's committee prevented any Sioux removal attempts, but would still allow peace efforts or attempts to purchase the Black Hills to proceed. This action was highly praised by many Missourians as an effort to keep the Sioux far from their borders.[16]

Congressman Andrew Rechmond Boone from Kentucky and a member of the Committee on Indian Affairs reported the

13. Senate, *Congressional Record,* 44 Cong., 1 sess., 1875-1876, 4, pt. 4:3532.
14. Ibid., pp. 3531-32.
15. Ibid., p. 3539.
16. U.S., Congress, House, *Journal,* 44th Cong., 1st sess., 1875-1876, pp. 1050, 1084; U.S., Congress, House, Committee on Indian Affairs, *Index of Reports of Committees of the House of Representatives,* H. Rept. 674, 44th Cong., 1st sess., 1875-1876 (Serial 1712), p. 1; *St. Louis Republican,* 1 June 1876.

The Great Sioux Reservation after the Agreement of 1876

amended bill to the House floor several times between 15 June and 12 July 1876, but the House recommitted the measure to the Committee on Indian Affairs.[17] Congressman Omar Dwight Conger from Michigan, in giving the apparent reason why the House would not consider the bill despite the need for a peace settlement, stated, "I think we had better find out whether the Sioux have captured all our army before we go treating with them."[18] The reluctance of the House to pass this legislation probably stemmed from Custer's ill-fated expedition on the Little Big Horn. He was part of the United States command sent to the Powder River country to end raids and depredations of Sitting Bull and his bands. When he was killed on 25 June 1876, the members of Congress probably became hesitant to act on any measure dealing with the Sioux until the outcome of the present war was known. As a result, Senate bill S590 died in committee.[19]

Even though many whites had a partial hand in provoking the Sioux to war, the Sioux victory over Custer aroused public sentiment against the Indians. The magnitude of the crisis convinced Congress of the need for a permanent settlement that would clarify the Black Hills and removal issues. Because Congress failed in the previous attempt to authorize a settlement with the Sioux, they incorporated stronger measures against them in the Indian Appropriations Bill of 15 August 1876. This bill stated that Congress would make no further appropriations for Sioux supplies or annuities unless they relinquished all land west of the 103rd meridian of longitude, which included the Black Hills. They were also required to forfeit all claims to lands outside of their reservation boundaries that were defined as neutral lands in the Treaty of 1868. This would eliminate the Sioux agencies from the state lands of Nebraska. They had to allow the United States to construct three wagon roads across any part of the remaining portions of the reservation. The Indians were given a choice between removal to Indian Territory and new agency sites along the Missouri River. In place of payments for the land, the

17. *House Journal,* 44 Cong., 1 sess., 1875-1876, pp. 1109, 1573.

18. *House Journal,* 44 Cong., 1 sess., 1875-1876, p. 1257; House, *Congressional Record,* 44 Cong., 1 sess., 1875-1876, 4, pt. 5:4520.

19. *House Journal,* 44 Cong., 1 sess., 1875-1876, p. 1958.

government committed itself to providing specified rations until the Indians were able to become self-supporting in their new locations.[20]

The harsh provisions, as stated in the bill, were directed at the agency Sioux who did not take part in the present war, but the government insisted that they sign the agreement for all the Sioux people. The United States Army would dictate a peace settlement with the northern Sioux when military action against them was completed.[21]

The House Committee on Indian Affairs had not supported previous plans to remove the Sioux, but Congress wrote its approval for this removal in the bill's provision defining self-support. Many persons involved with the Sioux wanted them to support themselves through the cultivation of the soil. However, they also realized that the soils of Dakota were unfit for farming and that the Sioux should be moved to the Indian Territory, despite the questionable superiority of Oklahoma's soil. The president appointed George Mannypenny, H. C. Bulis, Newton Edmunds, Reverend Henry Whipple, Albert G. Boone, Augustine S. Gaylord, and Jared Daniels as commissioners to obtain an agreement with the various Sioux bands for their removal to Indian Territory.[22]

The commissioners left for the Sioux Reservation on 24 August 1876 and reached the Spotted Tail and Red Cloud agencies in mid-September. During councils at each agency, the commissioners impressed upon the Sioux the option of either removing to the Missouri River and receiving scanty rations, or removing completely to Indian Territory and obtaining government help. Spotted Tail, the great Brule chief, did not want to return to the Missouri River as he had lived there before and left the graves of over one hundred Brule. He was also

20. H. Exec. Doc. 10, pp. 2-3.

21. U.S., Congress, House, *The Removal of the Sioux Indians.* H. Exec. Doc. 10, 44th Cong., 2d sess., 1876-1877 (Serial 1751), pp. 2-3 (hereafter cited as H. Exec. Doc. 10); U.S., Congress, Senate, *Letter from the Secretary of Interior,* S. Exec. Doc. 4, 44th Cong., 2d sess., 1876-1877 (Serial 1718), pp. 1-3; Mary Jane Bowler, "The Sioux Indians and the United States Government, 1862-1878" (Master's thesis, Washington University, St. Louis, May 1944), p. 187; *St. Louis Globe Democrat,* 29 Aug. 1876.

22. Ibid.

Red Cloud

reluctant to agree to removal, but consented to send a delegation to inspect the land far to the south.[23]

Most of the Indians preferred to go to the Missouri River, but the commissioners claimed that some Sioux were anxious to go to Indian Territory and begin new lives as self-supporting farmers. The commissioners told the Sioux that they would not bind themselves to removal by signing the agreement, but by agreeing to move to Indian Territory, the western bands of Sioux living in Nebraska could stay at their present locations for the winter.[24]

Ultimately, the commissioners succeeded in persuading the western bands to sign a ten-article agreement. Article Four of the agreement provided for the removal of the Sioux Nation to Indian Territory. One chief stated an accurate summary of the commission's meeting with the Sioux when he said, "We have been moved five times after promises we never move, I think you had better put the Indian on wheels and you can move them about whenever you wish."[25] The commission left the western Sioux and visited the various bands located on the Missouri River who also signed the agreement. Finally, 171 Sioux, Arapahoe, and Cheyenne had placed their signatures on the agreement. By accepting such a small number of signatures, the commission violated the Treaty of 1868, which required a three-fourths majority of all adult males to approve a change, not a majority of chiefs and headmen.[26]

After the commission completed the agreement with the

23. U.S., Congress, Senate, *Certain Concessions from the Sioux Indians,* S. Exec. Doc. 9, 44th Cong., 2d sess., 1876-1877 (Serial 1718), pp. 5, 8, 39 (hereafter cited as S. Exec. Doc. 9).

24. Ibid., pp. 3, 36; *New York Times,* 10 Sept. 1876.

25. S. Exec. Doc. 9, p. 8.

26. Ibid., pp. 22-28.

western Sioux, Commissioners Boone and Daniels escorted a delegation of four or five chiefs from the various bands to Indian Territory. Spotted Tail, Man-Afraid-of-Horses, and Red Dog were the major chiefs on the expedition. Red Cloud did not join the ninety-four-member delegation because he thought he should stay with his people. The party's objective was to choose land for their people that was suited for agriculture. One year after the land selection was made, the Sioux were to move to these permanent homes. The stipulation was made that if the delegation was unable to make a wise decision, the government would select a home for them in the territory.[27]

Upon Boone's return from the territory, he reported that the Sioux Nation would definitely be moved to Indian Territory when the grass turned green in the coming spring.[28] He stated, "It makes little difference whether they consent or not, they have to do that or do worse. The government has decided to remove them from their present reservation."[29] Boone went on to say that most members of the party who went to Indian Territory were pleased with the area and that he anticipated no trouble from the white people of Kansas with the forthcoming removal plans.[30]

The proposed home for the Sioux Nation in Indian Territory was the unsettled, open tracts of land west of the ninety-sixth meridian. The Sioux were to be placed on the Canadian River west of the Seminole and Chickasaw tribes and east of the Cheyenne-Arapahoe agency. The government planned to have part of the Sioux bands travel to the territory by railroad. They would leave their reservation and travel to Kansas City, then on to Wichita, and finally arrive in Oklahoma. The remaining Sioux would come overland by way of the Republican River, Fort Hays, and Fort Supply. The Sioux traveling overland would bring all the livestock that the tribe owned. The plans for Sioux removal had progressed to a stage of being implemented, and the government was simply waiting for the grass to turn green.[31]

27. Ibid., pp. 19-21; U.S., *Statutes at Large*, vol. 19 (1877), 255.
28. S. Exec. Doc. 9, pp. 19-21.
29, *Omaha Daily Bee*, 8 Dec. 1876.
30. Ibid.
31. Ibid.; S. Exec. Doc. 9, p. 3.

Spotted Tail

The commissioners did not consult the Indian nations already in the territory, whose land surrounded the unceded open tracts, on the forthcoming Sioux removal. They argued that the government's policy toward the Sioux was their removal to Indian Territory and that this voided any previous treaties made with the Indians already in Oklahoma. Besides, the Indians in the territory had more land than they needed and when the Sioux arrived, they would occupy this surplus land and would help prevent pioneers from homesteading in Indian Territory.[32]

When Spotted Tail returned to his agency in Nebraska, he publicized his dislike for the Indian Territory. He spoke to his people during council and presented an alternative plan to removal. He wanted to see the president and settle the Black Hills issue by a means other than removal. He said, "The rascals in the Black Hills are children of the Great Father, he knows how many there are, I wish that they should pay $5.00 each man to the Indians."[33] This plan, of course, was not considered by Congress.

32. *St. Louis Globe Democrat,* 5 Oct. 1876.

33. Lt. Horace Neide, agent at the Spotted Tail Agency, to Commissioner of Indian Affairs, 15 Dec. 1876, Record Group 75, National Archives, Washington, D.C. This is a copy of a letter written by Spotted Tail, translated by William Cleveland, missionary to the Sioux, Letters Received by the Office of Indian Affairs, Spotted Tail Agency, 1876-1877.

After a summer of military campaigns against the warring Sioux, the army did not favor any plans to remove them to Indian Territory. General Philip Sheridan, commander of the division of the Missouri, thought that removal plans should be postponed. He proposed that they should be moved to the Missouri River; then after a period of adjustment and civilization, they should be taken to the territory. The Sioux would need preparation for their trip south and should be gradually moved when the Indians there were ready to receive them. Also, it would be dangerous to move the Sioux after the army had conducted military operations against some of the hostiles.[34]

Colonel Ranald Mackenzie, veteran Indian fighter of the southern plains, also vigorously opposed Sioux removal. He believed that the Indians in the territory should be loyal to the United States and the Sioux did not fit into this category. They were unmanageable and would be a bad influence on the Indians already in the Indian Territory. Also, it would be cruel to all persons involved to send the Sioux south. Citizens near the territory along with government personnel would suffer. Mackenzie even disapproved of the Sioux delegation that went to the Indian Territory on a tour of inspection.[35]

Some members of the American Board of Commissioners for Foreign Missions also opposed the planned Sioux removal. The board doubted the wisdom of the removal of the entire Sioux Nation to Oklahoma because they did not approve of any plans that would affect their future programs for mission work. The mission group thought that any civilization work for the Sioux could be done with equal success west of the Missouri River.[36]

Support for the removal came from Commissioner of Indian Affairs John Q. Smith. Even thought provisions of the Peace Policy did not include removal to Indian Territory, the removal concept continually surfaced as a means to implement

34. U.S., Department of War, *Annual Report of the Secretary of War, 1876* (Washington, D.C.: Government Printing Office, 1876), p. 447.

35. George Mannypenny, *Our Indian Wards* (Cincinnati: Robert Clark and Co., 1880), pp. 325, 344-48.

36. *Eighth Annual Report of the Board of Indian Commissioners, 1876,* pp. 94-95.

the Peace Policy. Smith wanted the Sioux removed to the territory in order to consolidate most of the Indians into one major area. He reasoned that the Indians would benefit because it would be harder for the whiskey peddlers and opportunist of white society to prey on the Sioux. Living in Indian Territory would permit the Sioux to acculturate more easily.[37]

Smith thought that a major drawback to Sioux removal was the nearness of the Staked Plains. This area could entice the Sioux to forget their goal of becoming farmers and ride into the high plains west of the territory. The distance of hauling supplies was great and would require additional government expenditures, but to Smith these limitations were not great enough to prevent the forthcoming Sioux removal.[38]

President Grant favored the plan. He defended the miners in the Black Hills who had taken possession of the area and stated that they should not be excluded from the land that they controlled despite Sioux ownership. He also favored the idea of Sioux self-support and strongly urged that they should be farmers in Indian Territory. Congress had stated its apparent approval by authorizing the Commission of 1876 to obtain an agreement with the Sioux for their consent to be moved to Oklahoma and it was probable that Congress and the president would approve of the commission's work on the Sioux Reservation.[39]

The commissioners and the various Sioux bands had signed the Agreement of 1876 during congressional recess. When Congress convened in December 1876, Senator John Ingles from Kansas and Congressman Joseph Franklin from Missouri introduced resolutions in their respective branches of Congress ordering the secretary of interior to report the progress that had been made on the Sioux removal. If removal was implemented, it would directly affect their states as they bordered on Indian Territory.[40]

Senator William Allison, who had tried to gain previous

37. S. Exec. Doc. 9, p. 3; *Report of the Commissioner of Indian Affairs, 1876,* pp. VII-IX.

38. S. Exec. Doc. 9, p. 3.

39. Ibid.

40. *Senate Journal,* 44 Cong., 2 sess., 1876-1877, pp. 35, 511, 515; *House Journal,* 44 Cong., 2 sess., 1876-1877, pp. 4, 8, 39-40.

authorization for a settlement with the Sioux Nation, introduced Senate Bill S1185 on 26 January 1877. This measure, if approved, would ratify the agreement made by the Commission of 1876, and would approve Sioux removal.[41]

The Senate, anxious to complete an agreement with the Sioux Nation, considered the bill on the following day. During floor debate, Senator Lewis Bogy attacked the removal article of the agreement. He stated, "I for one, am opposed to allowing the wild Indians of the prairies to go at any time to the Indian Territory; and I will oppose here and at all times any tendency in that way."[42] Despite Bogy's strong sentiments, the Senate passed the measure in its entirety.

After Senate passage, the bill was sent to the House for approval. The Speaker of the House referred the measure to the House Committee on Indian Affairs, which reported the bill to the floor on 14 February 1877. Committee member Andrew Boone proposed that the measure should have special consideration by the House. It was agreed that the bill would be special order of the day until the House disposed of the measure.[43]

Opposition to any attempts to remove the Sioux came from representatives of states near the Indian Territory. Robert Anthony Hatcher, congressman from Missouri, introduced a resolution from the state legislature of Missouri petitioning against the removal of the Sioux Nation to Indian Territory. This began a series of resolutions introduced by Missouri congressmen showing their constituents' dislike for any attempt to remove the Sioux.[44] During House deliberation of Senate Bill S1185, Congressman Roger Quarles Mills from Texas amended the measure. His amendment stated "that nothing in this act shall be construed to authorize the removal of the Sioux Indians to the Indian Territory and the President of the United States is hereby directed to prohibit the removal of any portion of the Sioux Indians to the Indian Territory until the same shall be authorized by an act hereafter."[45] On 16 February 1877 the

41. *Senate Journal,* 44 Cong., 2 sess., 1876-1877, pp. 156, 161.
42. Senate, *Congressional Record,* 44 Cong., 2 sess., 1876-1877, 5, pt. 2:1055.
43. *House Journal,* 44 Cong., 2 sess., 1876-1877, pp. 323, 415, 443.
44. Ibid., pp. 457, 458, 464, 516.
45. Ibid., pp. 454-55.

The unceded open tracts of land in Indian Territory, where the Sioux Nation was to be settled, were later opened to white homesteaders in the "Boomer Rush."

House, with little opposition, passed the amended bill, which prohibited any attempt to remove the Sioux to the territory.[46]

The House version of the Agreement of 1876 was then sent to the Senate for approval. Senator Paddock from Nebraska believed that the government's correct and true Indian policy was the removal of all Indians to the territory, and this included the Sioux. He proposed an amendment that would nullify the House amendment and would allow for the removal of the Sioux Nation.[47] During Senate reconsideration of its bill, which had been amended by the House, public opposition to removal became increasingly evident. Senator Francis Cockrell from Missouri presented a resolution from the state legislature of Missouri on 21 February 1877. Like previous resolutions introduced in the House, it protested removal, claiming that the

46. Ibid., p. 455.
47. Senate, *Congressional Record,* 44 Cong., 2 sess., 1876-1877, 5, pt. 2:1349.

wild Sioux would cause injury and grief for white settlements surrounding the Indian Territory. Also, the Sioux would take lands in Oklahoma that many white homesteaders would want.[48]

Even before this resolution homesteaders were demanding that Oklahoma Territory be opened to settlement. In the previous session of Congress, Congressman Henry Lillie Pierce from Massachusetts requested that the Committee on Indian Affairs introduce legislation to permit homesteading in the territory. He also stated that an organized government should be established to allow for any orderly settlement of the territory. The removal of the Sioux to Oklahoma would prevent many white settlers from homesteading the open tracts of Indian Territory.[49]

Railroad companies also had a vested interest in events that affected the territory. They could only obtain land grants in areas where Indian title to the land was relinquished. The railroad could build on open tracts of land in Oklahoma, but the presence of the Sioux would take away acres of that land.[50] The state legislature of Kansas wanted a rail route from the eastern portion of the state to the capital of Texas. They hoped that land settlement would follow the railroad. Sioux removal would only hinder white attempts to gain possession of the land and construct a railroad. Except for the area near the Black Hills, white men were not immediately lured to the lands of the Sioux Reservation; therefore, it would be better to keep the Sioux in Dakota at points along the Missouri River.[51]

Despite strong protest from Senator Paddock, the Senate finally passed the House bill on 21 February 1877. President Grant signed the bill on 28 February 1877. All hopes to remove the Sioux to Indian Territory ended. Instead the second option for removal would be implemented and the Sioux would

48. *Senate Journal,* 44 Cong., 2 sess., 1876-1877, pp. 5, 219; Senate, *Congressional Record,* 44 Cong., 2 sess., 1876-1877, 5 pt. 3:1734.

49. *House Journal,* 44 Cong., 1 sess., 1875-1876, pp. 544, 1721.

50. Morris L. Wardell, *A Political History of the Cherokee Nation* (Norman: University of Oklahoma Press, 1938), pp. 256, 258, 260-62.

51. U.S. Congress, Senate, *Resolution of the Legislature of Kansas,* S. Misc. Doc. 79, 44th Cong. 1st sess., 1875-1876 (Serial 1665), p. 1; Wardell, *A Political History of the Cherokee Nation,* p. 256.

remove to locations on the Missouri River. The same Congress that had authorized the Commission of 1876 to enter into an agreement with the Sioux for their removal to Indian Territory had reversed its decision.[52]

The final bill eliminating Sioux removal to Indian Territory appeased most white parties involved. States near the Indian Territory would not be plagued with the hostile Sioux. They could freely concentrate on railroad construction and homesteading efforts in the territory. Newton Edmunds, former governor of Dakota Territory and a commission member, was pleased with the decision to send the Sioux to the Missouri River. Businessmen in Dakota Territory could now find new markets for their goods.[53] Also, the United States gained possession of the Black Hills.

Though Congress did not consult the Sioux on its decision to send them to the Missouri River instead of Indian Territory, they were given the best option available to them. The Agreement of 1876 centered on taking the Black Hills from the Sioux and sending them to an alien land. However, some who worked with the Sioux did not favor the removal of the western bands to the Missouri River. James Irwin, agent for the Red Cloud Agency in 1877, indicated Congress' purpose for moving them when he said, "It is apparent to the proper authorities that it will not militate against public interest."[54]

Reverend Henry Whipple, former member of the Commission of 1876, also criticized Congress for refusing to allow the Sioux people to move to Indian Territory. He was disturbed that Congress changed the agreement made with the Sioux and did not even bother to consult them. Whipple called this act a "violation of faith and honor."[55] He stated, "I fear

52. *Senate Journal,* 44 Cong., 2 sess., 1876-1877, pp. 307, 340, 352; After the bill had been passed, Senator James Harvey from Kansas presented a resolution from his home state. The resolution, like those from Missouri, stated the citizens' objections to Sioux removal. This resolution must have helped to reinforce the Senate's decision to agree with the House amendment (Ibid., pp. 382, 383, 515).

53. George Hyde, *Spotted Tail's Folk* (Norman: University of Oklahoma Press, 1961), p. 230 n.5.

54. James Irwin, acting agent for the Red Cloud Agency, to the Commissioner of Indian Affairs, 27 June 1877, Letters Received by the Office of Indian Affairs, Red Cloud Agency, 1877, RG 75, National Archives.

55. *Eighth Annual Report of the Board of Indian Commissioners, 1876,* p. 106.

the reason is that greedy white men have fixed their eyes on that Indian paradise and will not cease until it is wrested from its lawful possessors." He added, "Have we learned nothing from the past?"[56]

Reverend Whipple's predictions of the white man's interest in Indian lands in the territory came true. In the following year, the same group prevented the removal of the various tribes from New Mexico, Arizona, and Colorado. By the late 1870s, the first white homesteaders, known as Boomers, began to line the borders of Indian Territory for the rush to the same lands from which the Sioux and other tribes had been barred.[57] Had these tribes been allowed to settle the open tracts of land west of Oklahoma City, the history of Oklahoma and South Dakota would have been drastically altered.

56. The removal policy that Congress followed in attempting to settle the Sioux problems was not new. Through the short history of Indian-United States relations, removal of various Indian tribes to another part of the country was a reoccurring method used in an attempt to solve conflicts. The government removed the problem from one area to another, but never cured the trouble. Ibid.

57. Carl Coke Rister, *Land Hunger* (Norman: University of Oklahoma Press, 1942), pp. 38, 40.

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