

III: Senate Hearing Report

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ENCOUNTER BETWEEN SIOUX INDIANS OF THE PINE RIDGE AGENCY,
S. DAK., AND A SHERIFF'S POSSE OF WYOMING.

L E T T E R

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

RECORDS GIVING A HISTORY OF THE RECENT ENCOUNTER
BETWEEN SIOUX INDIANS OF THE PINE RIDGE AGENCY,
S. DAK., AND A SHERIFF'S POSSE OF WYOMING.

JANUARY 27, 1904.--Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, January 26, 1904.

SIR: I have the honor to transmit herewith papers from the files and records of the Indian Bureau, giving a history of the recent encounter between certain Sioux Indians of the Pine Ridge Agency, S. Dak., and a sheriff's posse from Wyoming, which resulted in the killing of the sheriff and one citizen and several Indians.

These papers are forwarded for the information of the Senate, and I concur in the recommendation of the Commissioner of Indian Affairs (whose letter of the 23d instant is also herewith), that the same be published as a Congressional document.

Very respectfully,

E. A. HITCHCOCK,
Secretary.

The PRESIDENT PRO TEMPORE UNITED STATES SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 23, 1904.

SIR: The correspondence in regard to the troubles in Wyoming last fall between a party of Indians and a sheriff's posse are respectfully

forwarded. I recommend that they be sent to the Senate with the request that the same be published as a Congressional document.

Very respectfully,

W. A. JONES,
Commissioner.

THE SECRETARY OF THE INTERIOR.

[Telegram.]

CHEYENNE, WYO., November 1.

COMMISSIONER INDIAN AFFAIRS, Washington, D. C.:

Reliable information just received by Chatterton, governor of Wyoming, reports Indians had been illegally hunting on Lightning Creek, in Wyoming, 40 miles from Lusk, on Northwestern road. Sheriff Miller seriously shot through hip by Indians, and member of his posse, Falkenburg, killed. Three Indians killed. Indians reported by Putnam, county clerk Weston County, Wyo., to be Pine Ridge. Newspaper men here received information later saying Indians were Crows. Balance of party of Indians at large in Wyoming supposed to be headed eastward toward Crawford, Nebr. Suggest you reach them through agents or military channels and deliver them to proper authorities. Kindly advise me whether you have earlier or fuller information concerning matter. Governor Chatterton, here in my office, desires earliest possible information and action.

FRANCIS E. WARREN.

[Telegram.]

CHEYENNE, WYO., November 2, 1903.

HON. W. A. JONES,

Commissioner Indian Affairs, Washington, D. C.:

Your message received. Runners late in from seat of trouble report 6 to 10 Indians killed, about same number wounded, and about same number taken prisoners. Among prisoners one styled Chief Eagle Feather. Understand another Indian in party yet at large goes by name of Smith; formerly Carlisle student. Sheriff first reported wounded has since died. Under sheriff and party still in pursuit of Indians, who have been reinforced. First fight occurred Friday or Saturday; another one yesterday. Looks squally, and I fear further trouble. Suggest that close watch be kept on Indians at agencies for fear of larger numbers at large and still more serious consequences. Indians said to be Sioux.

FRANCIS E. WARREN.

[Telegram.]

PINE RIDGE AGENCY, S. DAK., November 2, 1903.

COMMISSIONER INDIAN AFFAIRS, Washington, D. C.:

A few of our Indians traveling on permit through Wyoming reported in trouble with officers at Newcastle. Just received telegram sheriff and one citizen killed and three Indians killed. Am requested to go Newcastle at once to help straighten matter out. Should I go would expense of trip for self and interpreter be authorized?

BRENNAN, Agent.

[Telegram.]

PINE RIDGE AGENCY, S. DAK., November 2.

COMMISSIONER OF INDIAN AFFAIRS, Washington, D. C.:

Since telegraphing you this p. m. have received telegram from Newcastle, Wyo., that the sheriff and posse of citizens charged to arrest some of our Indians; fight ensued; sheriff and one citizen killed. Twenty Indians reported killed. Urged to come at once. Leave for Newcastle to-night. Will advise you of the situation on my arrival.

BRENNAN, Agent.

SIoux INDIANS OF PINE RIDGE AGENCY, S. DAK.

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[Telegram.]

NEWCASTLE, WYO., November 3.

COMMISSIONER OF INDIAN AFFAIRS, Washington, D. C.:

Report of Indian trouble here exaggerated. From best information at hand, 35 miles north of Lusk a fight occurred between officers and some 20 Indians, some of them from Pine Ridge; 7 Indians, including 1 squaw, killed; also sheriff and 1 deputy. About 10 Indian families under arrest here; will start them for agency to-morrow. In my opinion a mistake was made in precipitating the fight. Would recommend that United States attorney of this district be directed to, on behalf of Department, make a thorough investigation. Am assured by officers of this county that no further trouble will occur.

BRENNAN, Agent.

[Telegram.]

HOT SPRINGS, S. DAK., November 4.

COMMISSIONER OF INDIAN AFFAIRS, Washington, D. C.:

My telegram to you yesterday substantially correct. A sheriff and posse from Wyoming arrested nine Indians and their families near Edgemont, S. Dak., last night. They are supposed to be part of the party engaged in fight Saturday. Tried to have them released pending investigation; officers insist on taking them to Douglas, Wyo., for hearing; mob violence threatened; the governor should be telegraphed at once that he will be held responsible for safety of Indians now under arrest. United States attorney should be ordered to Douglas to see justice is done the Indians under arrest. In my opinion the killing of the six Indians reported was totally unjustified. Will be at agency in morning.

BRENNAN, Agent.

[Telegram.]

PINE RIDGE AGENCY, S. DAK., November 5.

COMMISSIONER OF INDIAN AFFAIRS, Washington, D. C.:

Everything quiet on reservation. No excitement, nor is there likely to be any among our Indians.

BRENNAN, Agent.

[Telegram.]

WASHINGTON, November 5, 1903.

Governor CHATTERTON, Cheyenne, Wyo.:

Have reports that sheriff and posse from Wyoming, on 3d instant, arrested nine Indians and their families near Edgemont, S. Dak., who are supposed to be of party engaged in fight on Saturday last, and that officers insisted in taking them to Douglas, Wyo., for hearing; mob violence threatened. In view of public excitement and evident hostility of whites, respectfully urge that you take all necessary means at your command to protect lives and persons of Indians, as an act of simple justice to them.

E. A. HITCHCOCK.
Secretary.

[Telegram.]

PINE RIDGE AGENCY, S. DAK., November 6.

COMMISSIONER OF INDIAN AFFAIRS, Washington, D. C.:

Am advised by United States attorney, Cheyenne, preliminary hearing of Indians under arrest set for 12th instant at Douglas, Wyo. Am asked to send interpreter. Will send official interpreter at Department expense. Everything quiet here; have seen nearly all chiefs and headmen; explained matter to them; they are perfectly satisfied with what we are doing to straighten the matter out and to let law take its course.

BRENNAN, Agent.

DEPARTMENT OF JUSTICE,
Washington, D. C., November 6, 1903.

Sir: Your letter of yesterday, inclosing copies of communications from Agent Brennan of the Pine Ridge Agency, S. Dak., and the Commissioner of Indian Affairs, regarding the arrest of nine Indians and their families near Edgemont, S. Dak., by a sheriff's posse from Wyoming, and requesting that the proper United States attorney be directed to protect the interests of the Indians under arrest, was duly received, and the United States attorney for Wyoming was yesterday instructed by telegraph to defend said Indians and to take steps to protect them from threatened mob violence.

Respectfully,

W. A. DAY,
Acting Attorney-General.

The SECRETARY OF THE INTERIOR.

[Telegram.]

CHEYENNE, WYO., November 6.

ATTORNEY-GENERAL, Washington, D. C.:

Can not some one from Pine Ridge Agency, or elsewhere, be detailed to ascertain facts in Indian matter? United States district court convenes here Monday; number of important cases. I will, however, in person attend the preliminary hearing at Douglas on Thursday next.

BURKE, United States Attorney.

NOTE.—This is a copy of a telegram brought here informally by representative Department of Justice. He was informed that Agent Brennan and Special Agent McNichols would be ordered to attend the hearing.

C. F. L.

[Telegram.]

CHAMBERLAIN, S. DAK., November 7.

COMMISSIONER INDIAN AFFAIRS, Washington, D. C.:

Now en route Pine Ridge Agency.

McNICHOLS, Special Agent.

PINE RIDGE AGENCY, S. DAK., November 10, 1903.

Sir: I have secured the story of the recent trouble in Wyoming from the Indians' standpoint. Among others I have the statement of Last Bear, an Indian 63 years old, who was shot through the body in the fight, but who escaped to the reservation and is likely to live; also a statement from his wife and a statement put forth by the Oglala council as the Indians' version of the affair. I have also seen two statements made Major Cheever, U. S. Army, from Indians who escaped to the reservation.

These all indicate that the whites were the aggressors and the Indians were largely blameless.

I leave this afternoon for Newcastle, Wyo., the county seat from which the posse was organized, and the county of the deceased sheriff, where I expect to get a statement from some of the white participants.

The hearing at Douglas, Wyo., which I am directed to attend by office telegram of November 7, has been postponed until Saturday, November 14, at 9 a. m. I expect to reach there at noon on the 13th and have a talk with the 10 Indians there in jail before the hearing.

I presume the hearing will be completed by 5 o'clock Saturday evening, so that I can get the train back to Crawford, Nebr., that night. So far as I can now foresee my work in this case will then be completed and my advice is that you will wire me a new assignment to Crawford, Nebr., on Saturday. Crawford is the junction of the Burlington and Northwestern (Elkhorn) and is the best point from which to proceed in any direction. For reasons formerly explained I desire to work in the Northwest as far as possible.

Very respectfully,

CILAS S. McNICHOLS,
Special Indian Agent.

THE COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

Everything quiet on the reservations. Agent Brennan appears to have acted with good judgment throughout and can be trusted to act with discretion and judgment. My advice is that the Wyoming authorities are disposed to give the Indians a fair hearing, and if this is done there will be no further trouble.

McNICHOLS.

[Telegram.]

DOUGLAS, WYO., November 14.

COMMISSIONER OF INDIAN AFFAIRS, Washington, D. C.:

The nine Indians held here on charge of murder of sheriff and deputy in Wyoming were acquitted. Indian side of fight not heard. Will take Indians home on train to-morrow.

BRENNAN, Agent.

[Telegram.]

CRAWFORD, NEBR., November 16, 1903.

COMMISSIONER OF INDIAN AFFAIRS, Washington, D. C.:

Leave for Rosebud Agency first train. Indians in jail at Douglas all released.

McNICHOLS, Special Agent.

COMMITTEE ON MILITARY AFFAIRS, HOUSE OF REPRESENTATIVES,
Washington, D. C., November 15, 1903.

MY DEAR SIR: I have the honor to transmit herewith copy of letter written by Prof. A. L. Putnam, county clerk of Weston County, Wyo., to the governor of our State, relative to the late Indian troubles in that locality.

I have known Professor Putnam for ten or twelve years. For a long time he was principal of our schools. He is a man of the highest character, and noted as being conservative and careful in his statements.

Thinking that this letter might interest you, I have taken the liberty of transmitting a copy herewith.

Very respectfully,

F. W. MONDELL.

Hon. W. A. JONES,

Commissioner of Indian Affairs, Department of the Interior.

NEWCASTLE, WYO., November 10, 1903.

DEAR GOVERNOR: Several times I had started to write you a full account of the trouble through which we have passed recently, but interruptions have prevented me from doing so heretofore.

In the outset, I wish to assure you that our people fully appreciate the prompt and hearty manner in which you have given us support in every possible way from the first. By us, I mean the people of the State and we of this county, who feel that under the circumstances we are the ones most vitally interested, and in their behalf I wish to earnestly thank you for your prompt proffer of every assistance in your power, even to the calling out of the State troops, which, under the circumstances, did not seem to us necessary or advisable, as the Indians were no longer making a stand, but were making every possible effort to escape.

The whole story has been practically correctly told, and the true facts are generally known; but thinking that possibly you may have occasion to have a connected statement of the facts, I will rehearse them as correctly as it is possible to do.

About October 20 to 22 a party, which had been on a hunt in the southern part of this county, returned and reported that several bands of Indians were killing game in the southern part of this county and the northern border of Converse County. They also said that, not content with killing game, they were killing cattle, and were so explicit in their statements as to say that several head of cattle killed by the Indians had been seen by them on the range.

These matters were reported to Sheriff Miller, and so explicit and positive were these statements that, although no complaints had been filed by the stockmen, Sheriff Miller thought it his duty to look after the matter and put a stop to the lawbreaking and to protect the property of our citizens, which it was said was being destroyed. He therefore organized a posse of six men and started them out October 23. He had some business to attend to that day which made it impossible for him to start with them, but the next day he went, meeting his men at an agreed place. They soon came up with a small band of Indians near the mouth of Lance Creek, and, disarming them, sent them back to Newcastle, under charge of Deputy Hilton, of the posse, and W. E. Buchanan and A. Edlund, whom he deputized for that purpose. The balance of the posse, to which one more man had been added, then started for Black Thunder Basin, where it was reported was another band. Before reaching there the Indians had left, going south. The trail was followed for a time, but was soon lost, and after several days' riding the Indians were located near the Dry Fork of the Cheyenne River.

The sheriff and deputies visited the camp on Friday, October 30. When the officers first reached the camp most of the bucks were out hunting. The officers waited until their return, and demanded their surrender. Some of them were willing to come in with the officers if all would, but said that they were under Charley Smith, or Eagle Feather, and if he would not consent to come in they would remain with him. He absolutely refused to surrender, and talked and acted quite defiantly. Sheriff Miller told him that he wanted no trouble, but he had a duty to perform, which was simply to arrest them for violation of the laws of the State. Smith replied that he knew the sheriff's duty as well as he himself did; that he was neither a fool nor crazy, but that he was not going to be arrested; finally saying, "You can not take us; you haven't men enough." He then ordered his party to break camp, which was done. As they started, the sheriff and party started along with them, still urging them to submit to arrest. They came to a trail leading toward Newcastle, which their route crossed. Miller then urged them to take this trail, asking Smith to direct them to do so. This he refused to do. Miller then rode to the head of the party, asking the guide in advance to take this trail. He did not do so, but stopped and waited until all of the party came up. Smith was again asked to come in, but again refused.

As they stood discussing the matter, the bucks gathered around the officers and Smith told the officers that if they wanted trouble they could have it. There being only 7 of the officers and more than 20 of the Indians, the former saw that the only thing to be done was to withdraw. This they did, and Miller went to the ranches in the vicinity and secured more men until he had 12 besides himself, and, keeping posted as to the direction taken by the Indians, came up with them on Lightning Creek just before sunset on October 31. Demand was made upon the Indians to halt and surrender, which was repeated, the members of the posse say, at least three times. The Indians then opened fire, the officers replying immediately after one or two shots had been fired. Some of the Indians started away almost as soon as the fight began and the bulk of them retreated as soon as they saw any of their party had been shot. The fight lasted but a few minutes—probably from three to five minutes—say those engaged in it.

When it was over, it was found that Deputy Falkenburg had been shot and instantly killed, and Sheriff Miller shot through the thigh and was then faint from the loss of blood, the femoral artery having been severed. It was also found that 4 Indians had been killed and 1 wounded—Smith, or Eagle Feather, who died the next day. I should have stated that Sheriff Miller died within half an hour after the fight. Several others of the Indians were afterwards found to have been wounded.

Immediately after the fight Deputy Franklin was sent to Lusk, where he reported the trouble, and, securing help, returned to the scene to render what assistance was possible. From there (Lusk) we first received word of the trouble, the report coming early Sunday afternoon. Upon receipt of the message here I wired you of it.

On Sunday morning Deputies Davis and Hackney started for this place with the bodies of Miller and Falkenburg, arriving here Monday morning about 3 o'clock.

Upon receiving information on Monday, which indicated that the balance of the Indians were on their way to the reservation, a posse was organized here and took the train for Edgemont to intercept them. This party was under charge of Deputy Sheriff Leo Mathers, of Crook County, who volunteered his services. The men were picked men, and all were sworn in as officers before leaving here. Arriving at Edgemont, they were met by Sheriff Petty, of Fall River County, S. Dak., and he made them his deputies and sent one of his regular deputies with them. The party also took from Edgemont an interpreter. Early the next morning they came up with the Indians, and getting in a position to command the red men, waited for developments. The Indians were in consultation for a short time, and then sent one of their

men toward the officers. The interpreter was instructed to meet him, and to inform him that the officers demanded the giving up of their arms and their surrender. To this they demurred, and the interpreter was sent back the second time with peremptory orders for their immediate surrender, which they finally decided to do. Their arms were given up, and they were taken to Edgemont after they had been fed by the officers at a ranch, the officers buying them a quarter of beef.

Indian Agent Brennan arrived here Tuesday afternoon and met the county officials and others of our citizens and the situation was talked over. He was asked directly if he had any objections to those who were in the fight being arrested, and as directly answered that he had not. In fact, he said, he would assist in the apprehension of any of them who might succeed in evading the officers and reaching the reservation. Of his action after reaching Edgemont, and how it conformed to his statement to the officials here, you are fully informed. The Indians in custody here were turned over to him, though there was plenty of evidence to convict them of the violation of the game laws, but no one felt like prosecuting them for such an offense after the so much more serious matters had occurred.

While unquestionably the worst of the party are dead, those who were most responsible for the difficulty with the officers, yet the sentiment here is that there are others of the party who should be punished, as white men similarly placed should be punished.

(This includes all but the closing of the letter, after it had been submitted to the members of the posse.)

A. L. PUTNAM.

HON. FENIMORE CHATTERTON,
Cheyenne, Wyo.

PINE RIDGE AGENCY, S. DAK., November 17, 1903.

SIR: As telegraphed you from Douglas, Wyo., on the 14th instant, the nine Indians from this reservation arrested and charged with the crime of murder were released. I reached home with them to-day. The prosecution spared no efforts to, if possible, have the Indians bound over to the grand jury. Ten witnesses for the prosecution, all members of the sheriff's posse who had the trouble with the Indians, were present and gave their testimony. We did not deny that these Indians were in the party stopped by the sheriff. The evidence all went to show that when the trouble began the Indians all tried to get away as fast as possible, and that the battle (as they called it) did not last to exceed four minutes. The witnesses were all questioned on this point. Five minutes was the longest time given and three minutes the least. The prosecution did not prove that any of the nine Indians participated in the fight, nor did they prove that these Indians conspired in any way to murder the sheriff or his deputy.

United States Attorney Burke did not deem it necessary to put any of the 9 Indians on the stand in their own defense.

After an all-day session, and a night session lasting until 11 o'clock, and after all the evidence was given by the prosecution, the United States attorney moved for an acquittal of the 9 Indians. The judge, without comment or remarks, declared the prisoners "Not guilty," and ordered them released.

There was a large audience present at the night session of the trial. The verdict was received by them with the greatest satisfaction. The audience all rushed forward to shake hands with and congratulate the Indians. The only dissatisfied persons present were the members of the sheriff's posse, who were mixed up in the trouble and were witnesses against the Indians. Naturally they felt pretty sore.

Not being able to leave Douglas with the Indians after the trial Saturday night, and under advice of United States Attorney Burke, I arranged with the sheriff to take care of them until Monday evening. (No trains out on Sunday.)

Total number of Indians killed, so far as I am able to learn, was 4—one old man, Black Kettle, aged 58 years; one boy, Philip White Elk, aged 11 years; Charles Smith, aged 37 years, and Gray Bear, aged 48 years. Two wounded—Smith's wife, shot in shoulder from behind, and an old man named Last Bear, 70 years of age, was shot in the back, the ball coming out in front, almost opposite where it went in. Will probably recover. The 11-year-old boy killed was shot in the head. The whole top of his head was blown off, indicating that the party who did the shooting was pretty close to the boy.

Outside of a party of 9 old Indians, men and women, that the sheriff arrested five or six days previous to the fight and were being held at Newcastle, and whom I had released on my first trip there, there was not to exceed 35 persons, men and women, young and old, in the party that had the trouble with the sheriff, and in fact were

the only Indians in that section of the country. These people were composed of two parties, one known as the Smith party and the other the Brown party. These two parties were mostly old people, were given permits to visit outside of the reservation in the Black Hills and vicinity for the purpose of gathering berries, roots, and herbs. They were not given a permit to hunt. The two parties met accidentally some few days before the trouble and had arranged to go together.

Mr. Burke, United States attorney, has instructions from the Department of Justice to make a full investigation of the whole matter. He has now the sworn evidence of the whites, taken in shorthand at the trial. He promised me that he would come to the agency and take the testimony of all the Indians who were in the party when the sheriff met them.

Would recommend that you urge the Attorney-General to insist on Mr. Burke taking the Indians' testimony. The Indians' side of the question should be heard. Without their testimony Mr. Burke would not be in a position to make a full report.

Mr. Burke handled the case for the nine Indians in nice shape and did everything possible for their defense.

Mr. Burke is a resident of Wyoming and is placed in a rather delicate position. While I am satisfied he will be fair in the matter, he may not feel like sitting down too hard on the course pursued by the sheriff and posse leading up to the trouble.

The public has heard one side of the question, but has not heard the Indian side of it. Mr. Burke should by all means get the testimony of the Indians and send it in with the testimony of the sheriff's posse. Then the Department can form its own judgment in the matter.

Mr. McNichols has, and is, making a thorough investigation of the whole matter. He visited Newcastle; was also present at the trial of the nine Indians. I presume he has gathered all the facts and evidence necessary for a complete report of the occurrence from beginning to end.

The stand I took for the Indians in the matter and the result of the trial have caused a bitter feeling against me among the majority of the sheriff's posse and some of their friends. They are very loud in their boasts of what Mondell will do. They tell about how he went to the Indian Office, kicked up a row, and read the "riot act" to the Commissioner; that he was going to have a Congressional investigation of the matter; would have a law passed compelling all Indians to remain within the limits of their reservations; also, would have the agent removed, and a lot of other "rot."

The more this matter is investigated, in my judgment, the deeper Mr. Mondell's constituents will get their foot into it. I see no reason as yet to change my views in regard to this matter, as reported to you in my telegrams just after the trouble. Am of the opinion reports of Special Indian Agent McNichols and United States Attorney Burke will, in the main, bear me out in position taken, that the killing of the Indians was unjustifiable.

Inclosed find two of quite a number of letters and messages received touching on this question. The sentiment expressed in these letters I find prevails generally all over this section of the country. Even among a very large element of the people in Wyoming in that section of the State where the trouble occurred.

Very respectfully,

J. R. BRENNAN,
United States Indian Agent.

THE COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

NEWCASTLE, WYO., November 4, 1903.

To citizens and all concerned:

This is to certify that this party of Indians, consisting of Two Face and wife, No Dress, wife, and daughter, Blue Horse Owner and wife, and John Black Wolf, are peaceable Indians and were in no way concerned in the trouble with the posse of Sheriff Miller on Lightning Creek.

They are on their way to the reservation under orders from Indian Agent Brennan; and should not be stopped or arrested, but should be allowed to proceed on their way unmolested. They carry no arms and no one should have any fear of their doing any harm.

FRANK B. FAWCETT,
Chairman Board of County Commissioners.
J. R. BRENNAN,
United States Indian Agent.

[Memorandum.]

These Indians were mostly old people, some of them 70 years old. More than likely had not shot a gun off in twenty years. Were arrested about the 24th of October, taken to Newcastle, put under guard and held without charges being filed against them, or given a hearing in court, until my arrival at Newcastle on November 4, some fourteen days. On learning the situation I demanded their release, which was complied with.

The statement given to these Indians, and signed by the chairman of board of county commissioners, speaks for itself.

The arrest and detention of these people was uncalled for and unjust.

BRENNAN, Agent.

The Indians who were mixed up in the trouble with sheriffs and party in Wyoming all tell about the same story as told in statements of William Brown, Black Feather, and Last Bear and wife. They will all testify under oath that they were fired into first by the whites and that they did not know it was the sheriff's party until they were so informed after the shooting.

BRENNAN, Agent.

ABLEMAN, WIS., November 10, 1903.

DEAR SIR: We were very glad to read your telegram to the Commissioner of Indian Affairs at Washington, published in the Milwaukee Free Press, November 6.

Thank God there is one voice raised in defense of the poor Indian.

Every article printed lays all the blame on the Indians, and in the same articles they say "The sheriff and armed posse were hunting the Indians for ten days," and when the sheriff was killed, the Indians fired first.

How many times during the hunt had the sheriff and armed posse fired on the Indians? And all the trouble was caused by an overzealous game warden trying to save a little antelope for some licensed hunter to shoot.

If the Indians were really doing wrong, the Government has idle soldiers to shoot them if they must be shot. They would not at least imprison squaws and babies.

Some one should be punished, for the Indians must have endured injustice beyond account before they took the desperate measure of retaliation. If you can not get justice, appeal to President Roosevelt. He is a licensed hunter; he knows those desolate plains, how little game there is, and that the white man slaughters for sport, the Indian for food. Might and money make right in the United States now, but justice lives in the heart of the people, and many will pray that strength and support be given you to protect the innocent.

Very sincerely,

Mrs. J. F. REDFIELD.

Mr. BRENNAN, Indian Agent, Pine Ridge.

ARCHER, NEBR., November 6, 1903.

DEAR SIR: A few days ago when I read an account of this trouble with the Indians I wondered if there was any man of influence that had manhood and nerve enough to come out and demand an investigation, and to-day when I read the inclosed notice in the Lincoln Star I was very much pleased to find that there was a man for the occasion, and although I may never have the pleasure of a personal acquaintance, the stand you have taken gives you a high standing in my estimation.

It is a high standard of civilization we are living under when a few of these pitiable ragged heathens are not permitted to pass peaceably through the country with their squaws and papooses to visit with their friends in other tribes without being shot down like coyotes by some sheriff's posse; and to read of the posses that were sent out from all the surrounding towns to do battle to this ragged little band of heathens, and to hear that the troops had been ready to move on a moment's notice is enough to make an honest citizen sick; and if I had ever been connected in any way with the gang that went to do battle with this ferocious tribe I would never want to show my face again among decent people.

I will venture the assertion that any man that had any knowledge or influence with these Indians could have gone among them unarmed and delivered them into the hands of the law without bloodshed. If the officers of the law would use half as much common sense as the heathen Indians do such occurrences would be uncalled

for. Hats off to the man that leads an army against a dozen miserable specimens of humanity that one brave man could put to flight with a toy pistol. I hope the matter will be honestly investigated, as I feel sure your statement is correct that the killing of these Indians was uncalled for. I have no influence in such matters, but was inspired as a lover of justice to write you this letter of encouragement on the stand you have taken.

Yours, truly,

A. B. TALKINGTON.

Mr. BRENNAN, Edgemont, S. Dak.

Newspaper slips.

[Black Hills paper.]

FILED A PROTEST.

Representative Mondell, of Wyoming, has filed a protest against the management of the Indian Agency at Pine Ridge, S. Dak., with Indian Commissioner Jones. He says bad management was solely the cause of the recent Indian killing in Wyoming. Secretary Hitchcock sent Special Agent Nichols, of the Indian Bureau, to Pine Ridge, that gentleman having already arrived there and begun the investigation. The people of that section of Wyoming where the trouble occurred are opposed to the Indians having permits to go there to hunt. Major Brennan undoubtedly had authority to issue the permits or he would not have done so.

[Deadwood Pioneer, November 11, 1903.]

THE INDIAN SITUATION.

Those who have studied the conditions surrounding the recent Indian trouble in Wyoming are inclined to believe that the Indians were not wholly to blame. It is understood that the Wyoming game laws have heretofore made it lawful to kill deer and antelope between November 1 and December 31 of each year, and it is believed the Indians were not aware of a change in the law. They were consequently acting as they believed fully in conformity with the statutes.

Aside from this there is another view to be taken of the situation, and according to Judge John H. Burns, of Deadwood, who has possibly looked into the matter more carefully than any one else in the country, it is not unlawful for Indians to kill game, owing to the provisions of the Indian treaties by which this territory was ceded. Judge Burns says according to these treaties the Indians were permitted to hunt at will. The States, he says, assumed control of the territory subject to these provisions. He doubts, therefore, if the Indians were guilty of any violation under the construction that is to be placed upon it.

A few years ago, while Judge Burns was State's attorney of Butte County, similar instances arose within his jurisdiction, and in fact open hostilities between the officers and the Indians were narrowly averted. This case arose exactly as it did in Wyoming. Officers were informed that the Indians were traveling through the country killing game unlawfully and set out to arrest them. The officers, being of an inferior number, came back to Belle Fourche inclined to seek reinforcements. Had they persisted it is more than probable that there would have been a killing.

This incident caused Judge Burns to go over the matter with United States District Attorney J. D. Elliott, and Mr. Elliott convinced him that the Indians apparently had a right to hunt game over this territory. When the Indians ceded the region it was expressly stipulated that they should not be restricted in their hunting expeditions. The Indians therefore considered that they were in the right.

John R. Brennan, Indian agent at Pine Ridge, seemed to arrive on the scene in a remarkably short time, and it is believed he will do everything in his power to protect the Indians involved in the trouble. More than likely these Indians will be sent to Wyoming for trial, and Judge Burns believes a United States attorney will be sent here to assist in their defense. Probably, when the facts are all known, the Wyoming officers did act with unnecessary haste. It is claimed that they invaded the Indian camp, seized the Indian wagons, live stock, and other property, and started it back toward Newcastle. Some of the officers then continued after the Indians who were out on a hunt. These Indians were undoubtedly notified before the officers reached them that the whites were on the warpath and had seized their

outfits. According to Judge Burna's belief a majority of white men would have done just as the Indians did. They would naturally have resented such interference, and, had they reason to believe they were in the right, would have shown fight.

One thing that would seem in favor of the Indians is that the principal offenders have been killed. Those who are known to have shot the officers met almost immediate death. It will therefore be less easy to convict the others who were engaged.

IN CLASH WITH UNCLE SAM—WYOMING MAKES STRONG DEMAND FOR THE RIGHT TO INVESTIGATE THE RECENT INDIAN OUTBREAK.

CHEYENNE, Wyo., November 5, 1903.

There is a prospect of a clash between the Wyoming authorities and the Government over the Indian troubles. The Indian agent wishes Governor Chatterton to order the release of nine Indians held at Edgemont, S. Dak. Governor Chatterton last night received a telegram from Indian Agent Brennan, at Edgemont, S. Dak., saying "that the killing of seven Indians in Converse County on last Saturday was totally unjustifiable. Indians were traveling on road with their families in wagons when fired into by sheriff and posse."

In answer to this the governor wired to Mr. Brennan as follows:

"You can not expect Wyoming to waive right to conduct investigation as to violation of its laws. The Supreme Court of the United States in the Race Horse case passed on those rights. I would advise respect now, though late, for this State's rights. My information regarding killing differs from yours. A legal investigation, in my judgment, is to the interest of your Indians."

In a telegram to the governor of South Dakota asking that the Indians be turned over to the sheriff of Converse County, Governor Chatterton says:

"The United States Supreme Court in the Race Horse case gives States the right to try and to punish Indians violating State laws. I ask that these Indians be treated as any white man charged with crime."

No answer has, up to this time, been received from the governor of South Dakota.

CRAWFORD, NEBR., November 16, 1903.

SIR: Pursuant to instructions in land letter of November 5, 1903, I have the honor to report that I have made a thorough investigation of the conflict between white citizens of Wyoming and a band of Sioux Indians from Pine Ridge Reservation, S. Dak. This conflict took place on Lightning Creek, in Converse County, Wyo., on Hallowe'en, October 31, 1903.

The whites in the party were headed by Sheriff William Miller, of Newcastle, Weston County, and seven of the men were from that place, something like 100 miles from the scene of the conflict. Six men were added to the party on the day of the conflict, four of whom lived in Converse County, and two strangers from Wessington, S. Dak., on their way to the Black Hills.

The Indians comprising the party in the conflict were composed of two different parties from the Pine Ridge Reservation that had united a day or two previous. One of these parties was headed by an Indian named William Brown, who had left the reservation under a pass, dated September 30, 1903, with 15 Indians—men, women, and children. The other party was headed by Charles Smith, an educated mixed blood, alleged to be a graduate of Carlisle School. His pass was dated October 20, and was for 13 people, including men, women, and children.

The united band was composed of 16 male adult Indians, according to Indian accounts and information obtained at the agency, although the whites allege that they numbered "from 22 to 25 bucks." They had with them 15 wagons and several extra ponies.

In search of information I visited the Pine Ridge Agency, arriving Sunday, November 8, and leaving on the afternoon of the 10th. While there I secured statements from such of the Indians of the party as had escaped back to the reservation. From there I went to Newcastle, Wyo., the point from which the posse started, and interviewed such of the white participants as were willing to talk. I found the feeling here very bitter toward Agent Brennan and the Federal authorities and heard much threatening talk from a few hot-headed citizens. A majority, however, were disposed to be fair, although very sore because of the death of their sheriff, and, while regretting the affair, were disposed to uphold the action of their posse.

From Newcastle I went to Douglas, along with the white participants in the affair, to attend the hearing of the nine Indians of the party who had been arrested on charge of murder at Edgemont, S. Dak., some four days after the affair and taken to Douglas and lodged in jail. I heard the evidence given in this hearing by the whites, which resulted in the release of all of the Indians there in custody.

The evidence given in the hearing at Douglas was taken down by the stenographer of United States District Attorney Burke, and will, I presume, be available for your Office through the Department of Justice.

While at Newcastle I also procured a copy of the Newcastle Times containing a version of the affair. This account, the editor assured me, was very carefully prepared, with members of the posse present and approved by them. I submitted this newspaper account to leading citizens of Newcastle, including J. L. Baird, a hardware merchant and leading capitalist, who declared that it was a fair and truthful account. I also submitted it to former Sheriff John Owen, who led in the fight and assumed charge of the men after Sheriff Miller was shot, and he, too, declared it was a carefully prepared and entirely truthful account. In all details it represents the crystallized evidence given by the white participants at the hearing. It also reflects some of the public sentiment and the motives of the men, not so plainly brought out in the evidence at the hearing.

I also submit a map or diagram of the ground of the encounter, from a sketch furnished me by ex-Sheriff Owen. A similar map prepared by the prosecuting attorney of Converse County, who visited the scene, along with members of the posse, was used in the hearing. Therefore the map and the positions of the parties are exclusively from white sources.

Waving all contradictory statements from the Indian participants and accepting only the story of the whites, and a reasonable deduction therefrom, with the help of the map, I can not see how the whites can escape the responsibility for precipitating the conflict that resulted in the death of four Indians, including a boy twelve years old, the wounding of two other Indians, one of which was a woman, and the death of two of their own number, including Sheriff Miller. I can not escape the conviction that this band of 13 whites, urged on by a local sentiment of race hatred, has stained a page in Wyoming's history that no amount of bluster will ever efface.

The story of the white participants is that about October 20 reports were brought to Newcastle of the unlawful slaughter of antelope by bands of Indians. As the Newcastle Times' official or approved account says:

"Several of Newcastle men feeling very incensed over the actions of the Indians, decided to put a stop to it and hastily organized a posse of the following men: Sheriff Miller, B. F. Hilton, R. B. Hackney, Jack Moore, Fred Howell, Jim Davis, and D. O. Johnson. * * *

"Early Friday morning, October 23, these men set out, their hopes buoyant and an expression of do or die written on their every countenance. Unanimously they chose Mr. Miller as their leader."

The testimony of several members of the above posse was to the effect that some two or three days after leaving Newcastle they found a band of 12 Indians—6 bucks and 6 squaws—which they placed under arrest, and sent them to Newcastle under a guard. The evidence did not clearly establish whether this band was captured in Weston County or across the line in Converse County.

Some days after the conflict Agent Brennan, of Pine Ridge, in investigating the trouble, found this band in jail at Newcastle, without any charge lodged against them. He demanded their release and finally secured it, with a safe conduct to the State line.

The posse continued on their way for several days in search of Indians. Some of them testified that they found a trail some time after, which they followed by means of a broken wagon, a wheel of which was supported by a pole, which dragged the ground. However plain their trail may have been, the evidence is conclusive that the party lost it and were wandering around making inquiry for Indians. On the morning of the 30th of October the party picked up a cowboy named Frank Zerbes, who claimed that he could take them to a band of Indians in a few hours.

At noon on Friday, October 30, the eighth day after leaving Newcastle, the party came upon the band of Indians, with which the conflict occurred on the evening of the day following. This was on the Dry Fork of the Cheyenne River in Converse County. The Indians had made their noon camp and several of the male Indians, on horseback, were out from the camp, presumably hunting. The posse took dinner with the Indians or rather with Mrs. William Brown, wife of the leader of one of the two bands, lately united, which composed the Indian party.

The whites allege that after dinner Sheriff Miller told the Indians that he had a warrant for their arrest and desired them to accompany them to Newcastle. Brown and his party expressed a willingness to go, at the same time alleging that they had

killed no large game. Sheriff Miller told them if that was the case they would soon be released. Members of the Smith party requested, through Brown, that the sheriff await the return of Smith, their leader. This was done. Right here it will be proper to explain that of the entire party of Indians only William Brown and wife and Charley Smith spoke and understood English.

The whites waited about an hour, when Smith came in. They allege that Smith had an antelope tied on his horse when he came in. The sheriff explained their mission to Smith, and the whites allege that Smith told them that he would not go with them to Newcastle. He is alleged to have said: "I do not live in Newcastle and have no business there. I know your duties and I know my own. I am neither a fool or crazy. I will not go to Newcastle and you can't take me." This is in substance what the several members of the white posse testify that Smith said.

On the other hand, the Indians claim that Smith told them (the Indians) that they were not in the county represented by Newcastle officers, and had not been in that county (Weston), and that the sheriff had no right to take them.

In this connection the important fact that Smith and his party did not leave the agency in South Dakota until October 20 should be kept in mind. The posse had left Newcastle on the morning of October 23; being organized on information "reaching Newcastle about October 20 that Indians were unlawfully killing game in Weston County." At the time that this party was organized the Smith party could not have yet reached any part of the State of Wyoming. It is more than 100 miles from the agency to the Wyoming line, and Smith and his party, traveling in wagons, could hardly have crossed into Wyoming before October 24, the day after the posse had started out to hunt Indians. After the posse started, Smith and his party had time to penetrate Converse County to the point where he met Brown's party returning to the agency, and had united with them the day before the posse first encountered them in Converse County, on October 30.

Both whites and Indians assert that the Indians would have quietly submitted to arrest had it not been for Smith. And while Smith may have been a little too assertive, and possibly offensive in his speech, I can not see that the Weston County posse had any legal right to arrest him. Certainly a white man under such conditions would have refused to recognize the right of the posse to have taken him. At least it would appear so to me.

The whites assert that notwithstanding Smith's refusal when the Indians began to break camp and start immediately after they supposed they were going to accompany them. After they were under way it was seen that they were not heading for Newcastle, and the posse rode forward to turn the leader or guide to the north. They allege that Smith and other Indians also rode forward and motioned to the guide to proceed to the southeast. They assert that many of the Indians had guns in their hands. The Indian train passed on.

The sheriff and his posse held a consultation and decided that they must have reinforcements before proceeding further. They then withdrew and rode to the Fiddleback ranch, a distance variously asserted to be from 20 to 30 miles away. At the Fiddleback ranch the party was joined by two cow boys named Steve Franklin and Charles Harvey. These cow boys advised that from the direction taken by the Indians that they would travel to Lightning Creek and pass down that stream on their way toward home. Two of the party were then instructed to overtake the Indians, keep them in sight, and then after getting their course were to ride forward and meet the main party at the Mills ranch on Lightning Creek.

The next morning on their way the party picked up four more men. These were Louis Falkenberg, a wolf hunter, whom they found at Oleson's ranch, two strangers whom they met in the road and who afterwards proved to be George Fountain and H. Coon, of Wessington, S. Dak., and "John Owens, the noted Indian fighter," as the Newcastle Times puts it. Owens had formerly been a sheriff. This made the party 13 strong, several of them being entire strangers to the main party.

As Owens declared to me, he was building a fence at the time and was very busy. He told me he said to the sheriff: "I don't want to go unless you are sure there is going to be trouble; besides, I have no gun." He was assured that a gun would be found for him, a promise that was fulfilled with some difficulty by borrowing later in the day.

The reinforced party hurried forward and reached the Mills ranch on Lightning Creek about the middle of the afternoon. No one was there, but the party went in and prepared a meal. About 4 o'clock, just as they had finished eating, Zerbes and Moon Moore, the two who had been following the Indians, rode in and announced that the Indian train was only a mile and a half away. The Indians had traveled all night and up to that hour, making two brief stops, and were 50 miles farther on their way to the reservation from the place of meeting the previous day.

The Newcastle Times account then says: "The horses were gotten up, guns examined, and all other necessary arrangements were made in readiness for the approaching conflict, and by the time the Indians were near the Mills ranch the Miller posse rode down into the river bed where they could have better protection. The Indians came on. John Owen and Sheriff Miller climbed up the bank and once more tried to make the red men halt and surrender, and while thus engaged an Indian about 40 yards distant raised his rifle to his arm and let fire."

"The second the echoes had died away 'Stuff was all off,' and before they knew it the remainder of the posse had climbed the bank and were rallied round their leader, Billy Miller."

According to the testimony of a majority of the whites at the Douglas hearing, when the posse mounted at the Mills ranch, they rode down to the point in the road marked "2" on the accompanying diagram. Here they saw the Indian train coming down the highway toward them. When they saw the Indians they had begun dismounting. (The Indians claim that they were going into camp for the night on the spot.) So the whites allege that they saw in the dismounting a proposition for fight, and they resolved to seek the protection of the creek bank. They rode up the creek to where the wire fence crossed it. There they dismounted, leaving their horses at "3." (See diagram.) They then crawled through the wire fence and took up a position behind the creek bank. They allege that Sheriff Miller and Mr. Owen mounted the bank. All assert that Miller shouted to the Indians three times and Owens twice. One testified that they said "halt, halt, halt." Another said the words were "surrender, surrender, surrender." Another said the words were "stop," repeated.

All the whites assert that about this time some Indians up the line to their left fired a shot. Some of them testified that they saw the Indian shoot, and that the ball struck the ground about a rod ahead of Mr. Owens. Then they admit that they all opened fire on the Indians, nearly all of whom were fleeing away.

Some testified that the Indians fired eight or ten shots. One man said they fired forty shots. Another said from eighty to one hundred shots. All testified that they saw Charley Smith and Black Kettle shoot, and there was no positive evidence that any other Indians did shoot. Both Indians and whites agree that Black Kettle shot Sheriff Miller and that Smith shot Falkenberg, the other white man who was killed.

According to the best obtainable evidence on both sides, the Indian train was scattered along up the road and only four wagons had reached the immediate scene of the conflict. All the Indians killed or wounded were in or belonged to the first four wagons except Black Kettle, who came forward from farther back in the train. The whites express the opinion that Black Kettle was the Indian who fired the opening shot, and this was probably the case, if an Indian did fire first. On the other hand, the Indians all claim that the first firing came from the whites and that the boy, Peter White Elk, fell before there was a shot fired by the Indians.

Certainly, from the position of the Indians—scattered along the highway—they were not expecting a battle and only a small part of their band were yet in the immediate scene of the conflict when it began. Hence if the Indians were expecting and had prepared for a conflict, it would seem very unlikely that one of their number would precipitate it, when their party was so scattered. The whites were in a compact mass, drawn up in line behind a natural breastwork, while the Indian train was scattered for a quarter of a mile, with women and children in the wagons to which they belonged, all along the line. All reason and common sense is against the theory that the Indians began the firing.

The sheriff's posse was no Sunday-school class. Cow boys and bartenders predominated in the make-up of the white party. Several of them were entire strangers to the original party. Sheriff Miller did not know whether they were men of coolness, judgment, and steady character. Their recommendation was that they had guns and were willing to join the party. They had no wives and babies with them. They were a compact body. They had no wagons or other property with them to lose. They had chosen their ground. As the approved statement of the Newcastle Times says, "All necessary arrangements had been made for the approaching conflict." Had the Indians made any such preparations?

Then, in the name of all that is reasonable, who fired the first shot? I leave the answer to any reasonable man—to the public—satisfied that the blame will not be placed on these poor Indians traveling along a highway with their wives and children.

The whites all testify that the shooting lasted about three minutes. All the Indians fled except Black Kettle and Smith. The twelve rear wagons turned about and went back along the road that they came. Three wagons cut off from the train by the whites fled west over a range of hills. Nobody was stopped. No one was arrested. The blood thirst had been satiated