



July 19, 2023

Testimony of Chairman Ryman LeBeau  
Cheyenne River Sioux Tribe  
July 19, 2023, at 2:30 p.m.

Before

The United States Senate  
Committee on Indian Affairs  
United States Congress

On S. 2088, the Wounded Knee  
Memorial and Sacred Site Act

Mr. Chairman and Members of the Committee, my name is Ryman LeBeau, and I serve as Chairman of the Cheyenne River Sioux Tribe. I thank you for the opportunity to testify on behalf of my Lakota People today on the vitally important subject of S. 2088, our Wounded Knee Memorial and Sacred Site Act.

Our South Dakota Senators, Mike Rounds and John Thune, who offered this Senate companion bill to restore our lands to “Indian country” status with reference to our 1868 Treaty deserve our gratitude. The Wounded Knee Memorial and Sacred Site Act land will be taken in restricted Indian fee title, with the names of our respective Tribes on the title.

We also thank our Congressman, Dusty Johnson, who offered the House Bill on this important matter concerning Wounded Knee. We urge Congress to quickly pass this bill and respectfully ask President Biden to sign it into law.

### **Background: The Cheyenne River Sioux Tribe**

At the Cheyenne River Sioux Tribe, our Lakota People are comprised of the Mnicoujou (Plants by the Water), Itazipco (Without Bows), Siha Sapa (Blackfoot) and Oohenumpa (Two Kettles) Bands—that is four of the seven bands of the Lakota. Chief Big Foot or Spotted Elk was our *Mnicoujou Itancan* (Chief) and he was a relative of Crazy Horse. His father was Lone Horn, our *Mnicoujou Itancan*, who was born in 1790 and lived until 1877.

At Cheyenne River Sioux Tribe, our *Itancan* including Lone Horn are signatories to the 1851 Sioux Nation Treaty (Fort Laramie I) and the 1868 Great Sioux Nation Treaty (Fort Laramie II). Chief Big Foot was a signatory to the 1868 Treaty.

### **The *Oceti Sakowin* (7 Council Fires of the Great Sioux Nation)**

The *Oceti Sakowin*, Seven Council Fires of the Great Sioux Nation, is an original Native Sovereign Nation. Our Democracy stretches back in time to the Creation, when the Creator, *Wakan Tanka, Tunkasila*, gave the first woman and first man the Breath of Life. With the Creator’s Breath of Life comes liberty, the freedom to follow our sacred visions and to protect *Unci Maka*, Grandmother Earth.

*Lakota Makoce* our traditional homeland flows from Minnesota and Iowa in the East across the Dakotas, Nebraska, Kansas, and Colorado west to Wyoming, Montana and north to Canada. Our lands were not part of the original 13 Colonies. Prior to America, France and England came to engage in the Fur Trade, with our *Lakota-Nakota-Dakota Oyate* (Nation) and together with our sister Native Sovereign Nations, we clothed America and Europe for generations. In *Lakota* language, our name means the Friendly People, and we were healthy and happy in our traditional way of life. The White Buffalo Calf Maiden is our spiritual guide from the Creator, and she brought the *Canupa*, sacred pipe, to our Lakota Oyate.

### **The Declaration of Independence and The Constitution**

The Declaration of Independence pronounces the self-evident truths that all men [and women] are created equal, endowed with rights to life, liberty, and the pursuit of happiness.<sup>1</sup> In the Constitution of the United States, America affirmed the prior Indian treaties entered with the Delaware Nation, Six Nations, and Cherokee Nation, among others, in the Supremacy Clause, where treaties are nation-to-nation agreements classed

among the Supreme Law of the Land. The Constitution recognizes that “Indians not taxed” are “free persons,” subject primarily to tribal jurisdiction, not American jurisdiction.<sup>ii</sup>

In 1804, Lewis and Clark came up the Missouri River and met our Lakota People at the Bad River across from Pierre, South Dakota and our Sioux Nation Chiefs imposed a tax on their travel upriver.<sup>iii</sup> In 1805, America came to the Sioux Nation of St. Peter’s and St. Paul’s Rivers and asked our Dakota People to acknowledge to square mile areas as under American sovereignty, and our Nation did so through a treaty of peace and friendship while reserving our original right to use and traverse the lands. After the War of 1812, America agreed with England that Indian nations should be on the same basis after the war as before, that is: sovereign nations. In 1815, America entered the Treaty with the Teton Sioux, pledging peace and friendship.

In 1851, America entered the first Fort Laramie Treaty with the Sioux Nation, *et al*, recognizing Sioux Nation territory, including the Black Hills, and providing for consensual dispute resolution. America sought Sioux Nation permission for settlers to traverse our lands to Oregon Territory and California gold mines.

In 1868, at the end of the Powder River War, America entered the second Fort Laramie Treaty with the Great Sioux Nation. The United States pledged its honor that war between America and the Great Sioux Nation shall forever cease, and the Great Sioux Nation reserved all western South Dakota and certain lands in Nebraska and North Dakota as our permanent home together with 44 million acres in North Dakota, Montana, Wyoming, Nebraska, Colorado, and Kansas as unceded Indian territory and hunting lands.

At the same time the 1868 Great Sioux Nation Treaty was negotiated under the Indian Peace Policy, the Fourteenth Amendment was drafted, affirmed, and ratified, recognizing that America dealt with Indian nations through treaty, tribal citizens were subject to tribal jurisdiction, and repeating the original Constitution’s reference to “Indians not taxed.”

### **The Great Sioux War, 1876--77**

In his second Inaugural Address, 1873, President Grant said we must have “Civilization” because otherwise there would be a “War of Extermination” against Native Peoples. In 1874, Lt. Colonel George Custer went on a “secret” exploratory expedition to the Black Hills, where he invited regional and national newspaper reporters, starting a gold rush in the Black Hills. In 1875, President Grant sent a treaty commission to buy the Black Hills for \$1 per acre, and the Sioux Nation, as was our treaty right, refused to consent to the sale of our “permanent home” in the Black Hills.

In January 1876, President Grant initiated the Great Sioux War to take the Black Hills without our consent or compensation. In June 1876, Sitting Bull, Crazy Horse, and the Free Lakota were camped, with the Cheyenne at the Little Big Horn, on our treaty reserved unceded Indian territory. Sitting Bull dreamed that the U.S. Cavalry were going to fall upside down into the Sioux Nation village, indicating a great Sioux Nation victory.

On June 25, 1876, Lt. Colonel (Brevet General) George Custer ordered the 7<sup>th</sup> Cavalry to attack the Little Big Horn village without provocation. Major Reno marched towards the village, after initiating rifle fire against the village, Reno met stiff opposition and retreated. Major Reno and Captain Benteen held out on a high bluff above the Little Big Horn and

General Terry arrived the next day to rescue Reno and Benteen. Custer, with 225 men of the 7<sup>th</sup> Cavalry, marched around the mountains and attacked the village from across the Little Big Horn River, yet never made it across because he was shot in the chest by Chief White Bull. After Custer and his men retreated up the mountain at Custer Battlefield, he was surrounded and by late afternoon, he and his men were no more.

Congress sent more Armies and after many battles, America confined our Lakota People to the reservation. In 1877, Congress unconstitutionally seized the Black Hills, in a seven million acre taking in violation of the 1868 Sioux Nation Treaty. *United States v. Sioux Nation*, 448 U.S. 371 (1980). Congress also seized 44 million acres of our unceded Indian territory and hunting lands. The Army exterminated the Buffalo, leaving our Lakota People starving and dependent on government rations.

### **The Killing of Sitting Bull**

In 1888—89, Congress sent the Crook commission to take an additional 9.5 million acres from the center of the Great Sioux Reservation. The so-called 1889 “Sioux Agreement” divided our Sioux Nation tribes into separate smaller reservations, including the Cheyenne River Sioux Reservation and the Pine Ridge (Oglala Sioux) Reservation. Sitting Bull opposed the Agreement, and Sioux Nation leaders asked General Crook to double the “rations” distributed among the Lakota People, because everyone was hungry after the demise of the Buffalo, Elk, Antelope and Deer, and wild game caused by the influx of settlers. General Crook asked President Cleveland to double the rations, yet the Secretary of the Interior intervened with a recommendation to cut rations in half to force the Sioux Nation to adopt farming.

In 1890, with our People starving, the Ghost Dance took hold on the Sioux Reservations, after Chief Wovoka of the Paiutes had a vision of Jesus Christ coming to save American Indians. Indian agents panicked and General Myles ordered the arrest of Sitting Bull, who was blamed for the unrest, with a plan to send him to a military prison and sent Buffalo Bill, Sitting Bull’s friend, to make the arrest without trouble. In a bureaucratic turf war, when Buffalo Bill arrived at Standing Rock Reservation, U.S. Indian Agent McLaughlin wired Washington, D.C. to ask the President to rescind Buffalo Bill’s authority and President Harrison did so. (Later, Buffalo Bill said the President personally expressed his regret for this action to him).

A few days later, McLaughlin wrote out an arrest warrant for Sitting Bull, with the message “under no circumstances let Sitting Bull escape.” He sent 43 BIA Police before dawn to arrest Sitting Bull, with 110 U.S. Cavalry soldiers over the hill. On December 15, 1890, when the BIA Police were taking Sitting Bull away from his home, a Lakota warrior drew his gun in defense of Sitting Bull. Bull Head, Lieutenant BIA Police shot Sitting Bull in the back and Red Tomahawk, his Sergeant, shot Sitting Bull in the head. Sitting Bull was killed instantly. A general melee ensued, and Bull Head and several BIA police were killed, as were several Ghost Dancers.

About 100 of Sitting Bull’s *Hunkpapa Lakota* fled south to Chief Big Foot, leader of our *Minicoujou Lakota* at Cheyenne River Reservation. Big Foot was already planning to travel to Pine Ridge to see Chief Red Cloud to help him negotiate with U.S. Army leaders, so some of Sitting Bull’s *Hunkpapa Lakota* travelled with them.

## **The 7<sup>th</sup> Cavalry's Massacre of the Disarmed Lakota at Wounded Knee**

Chief Big Foot was sick with pneumonia as the Mnicoujou made their way to Pine Ridge. The cold winter on the prairie in western South Dakota often reaches 20 degrees below zero (F) and with the wind chill, the temperature can feel like 50 degrees below zero. Major Whitside told Big Foot and his people that they could not go to Pine Ridge but must go to the military camp at Wounded Knee, where the Army intended to disarm our Lakota men, women, and children, and take all their horses. Chief Big Foot asked the Cavalry to take the Lakota to Pine Ridge, but they refused.

In the bitter cold of December 1890, the 7<sup>th</sup> Cavalry per Colonel Forsyth ordered our *Mnicoujou and Hunkpapa Lakota* relatives to camp under the Hotchkiss Guns. At 6 a.m. in the morning on December 29, 1890, the Army line up all the men and large boys (9 years old and older) in front of the soldiers firing line and forcibly disarmed them. As Black Coyote, the last man was disarmed he objected that he had just bought his gun, the soldiers seized him roughly and the gun went off straight up in the air. Then with a sound like canvas tearing, the Cavalry commenced firing at the disarmed line of men in front of them and the Hotchkiss guns fired throughout the camp killing children, women, and old men. Soldiers shot women with babies on their back. The shooting went on for hours. When little boys hid in a ravine, the soldiers called to them that they were safe now, they could come out. When the boys came out from the ravine, the soldiers shot them.

Our Mnicoujou relative, Dewey Beard lost his parents, his wife, and babies that day, and was shot several times. He said simply, "They murdered us." Dewey Beard was known as *Wasu Maza*, "Iron Hail," for his many wounds sustained at Wounded Knee. Beard was the last living Wounded Knee survivor, and he said that 350 of our Lakota were massacred that day in December 1890.

Upon hearing of the Massacre, General Nelson A. Miles said, Wounded Knee was "the most abominable criminal military blunder and a horrible massacre of women and children." Congress and the President ignored General Miles and awarded 24 medals to the soldiers who killed women and children at Wounded Knee.

My grandmother, Marcella LeBeau, served as a nurse in the U.S. Army in France during the World War II Battle of the Bulge. She treated America's wounded soldiers from the Battle.

When she was 100 years old, she asked Congress to pass the Removing the Stain Act to rescind the medals issued to soldiers of the Wounded Knee Massacre. She said that there is a pervasive sadness among our Lakota People due to the tragic loss of our Lakota People at Wounded Knee.

### **Wounded Knee Memorial and Sacred Site Lands**

Recently, the Cheyenne River Sioux Tribe was told that 40 acres of land adjacent to the Granite Obelisk at Wounded Knee was for sale and the Oglala Sioux Tribe was working to buy the land. These acres are part of the Wounded Knee Massacre site, and because we lost our relatives on these lands, they are sacred to us as Memorial and Sacred Site Land. At Cheyenne River, we are pleased to participate with the Oglala Sioux Tribe to recover these Wounded Knee lands, which are a portion of the massacre site. Together with Oglala, our

Tribe pledged that the lands will be preserved as a Sacred Site and Memorial, with no commercial development.

On behalf of our relatives who lost their lives at Wounded Knee, we say *Mitakuye Oyasin*, “All My Relatives.” We wish them peace in their resting place among the stars of the Milky Way.

Our South Dakota Congressman, Dusty Johnson, offered this bill in the House and our Senators Mike Rounds and John Thune offered this Senate Bill to restore the lands to “Indian country” status with reference to our 1868 Treaty by acknowledging the undivided 49% Cheyenne River Sioux Tribe title and the undivided 51% Oglala Sioux Tribe title. The land will be taken in restricted Indian fee title, with the names of our respective Tribes on the title.

We thank our South Dakota Senators and Congressman, Dusty Johnson, for their leadership on this important matter concerning Wounded Knee and we thank the Chairman, Senator Brian Schatz, Ranking Member Senator Murkowski, and the Senate Committee Members for this hearing and the opportunity to give testimony. We urge Congress to quickly pass this bill and respectfully ask President Biden to sign it into law.

**Ryman LeBeau**

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<sup>i</sup> In the Northwest Ordinance, 1787 (amended 1789), America pledged that the United States should observe the “utmost good faith” toward the Indians, our lands and property shall never be taken without their consent, and in our property rights and liberty, we should never be invaded or disturbed, etc. These fundamental principles were carried forward in later territorial acts, including the Kansas-Nebraska Act, 1854 (treaties to be strictly observed), and the Dakota Territory Act, 1861 (Indian rights to person and property to be respected).

<sup>ii</sup> Under our 1868 Treaty, America and the Great Sioux Nation agreed that when our Lakota People became U.S. Citizens, we should have all the privileges and immunities of citizens of the U.S. and retain all of the benefits of our Treaty. Accordingly, we are dual citizens of the Great Sioux Nation and the United States of America.

<sup>iii</sup> In 1803, President Jefferson, on behalf of America, and Emperor Napoleon, on behalf of France, entered the Louisiana Purchase Treaty, wherein France purported to sell the “Louisiana Territory” to America. Naturally, Native Sovereign Nations did not agree to any such sale, and our lands could not be encumbered without our consent under the law of Nations. Moreover, America bound itself to comply with existing treaties between Spain and Indian nations, until such time as America entered its own treaties with Indian nations based upon mutual consent. See Louisiana Purchase Treaty, Article VI.