

TEACHER'S GUIDE

Document-Based Activity

Part 4: Broken Words

MISSION 3: "A Cheyenne Odyssey"

The Fort Laramie Treaty (1868)

The 1868 Fort Laramie Treaty was one of several treaties that the US government negotiated with American Indian tribes across the Great Plains in order to expand westward. By negotiating treaties, the US acknowledged that Indian tribes were independent nations who legally owned their land. But there were several problems with the treaty process. Cultural and language differences led to frequent misunderstandings; the US government did not recognize that the Indian chiefs who signed the treaties did not represent the entire tribe; and, as Part 4 of "A Cheyenne Odyssey" shows, the US government did not consistently live up to its agreements.

This treaty, negotiated in present-day Wyoming, was intended to bring peace between the Lakota Sioux, their allies (including the Cheyenne), and whites who were repeatedly encroaching on tribal lands. Hopes for peace, however, were undermined by each side's fundamentally different perspectives of the treaty. For the US government, restricting the Plains Indians to well-defined reservation lands, and providing rations, schooling, clothes, and farm tools, was the first step in converting Plains Indians to a settled agricultural life and assimilating them into "civilized society." Plains Indians' viewed reservations as land protected from any white incursion, and saw the unceded and hunting grounds as territories under their control, through which they would allow whites to pass with permission. The annuities and rations were viewed as peace offerings, and as payment for the destruction of the buffalo.

At first, President Grant tried to uphold the treaty with his "Indian peace policy." But in the early 1870s, the construction of the Northern Pacific Railroad, an economic depression, and discoveries of gold in the Black Hills led him to change course. His administration tried to renegotiate the treaty and buy the Black Hills, but the Lakota refused to sell the land. Next, in direct violation of the 1868 Fort Laramie Treaty, the government decided to let white intruders enter Lakota territory, knowing the rush for gold would provoke a full-scale war and allow the military to take the land by force. The ensuing Great Sioux War of 1876 eventually led to a major reduction in the size of the Great Sioux Reservation, including the loss of the Black Hills. The conflict over the Black Hills remains a bitter subject for the Lakota, and is still a matter of legal dispute between the US government and the Sioux tribe.

A NOTE TO THE EDUCATOR:

The goal of this document-based activity is to introduce students to the language used in official documents during the 19th century so that they can understand the provisions of the Fort Laramie Treaty of 1868, and how the treaty affected the Northern Cheyenne.



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Since the language of the treaty is alien to 21st-century students, the first part of the activity asks the students to "translate" the major provisions of the treaty into language that they and their classmates can understand. Prompts accompany each excerpt to help students understand the passage. The second part of the activity requires students to go beyond the words themselves, evaluating the meaning of the treaty from the point of view of the Northern Cheyenne.

While students can complete the activity independently, it is best approached as a group. Once the students are familiar with the provisions of the treaty, they should discuss its implications for the Northern Cheyenne in groups, or as a whole class.

Steps to Complete:

- 1. Distribute copies of the background information, treaty excerpts, and Analysis Questions to the students.*
- 2. Create small groups of three to four students and assign one excerpt to each group.*
- 3. Ask students to read and discuss the excerpt, translating it into language they understand after using the questions that accompany each excerpt to guide their understanding.*
- 4. Ask students to read the "translated" treaty and answer the accompanying questions. You may wish to complete this activity as a whole class.*
- 5. Ask students to discuss the implications of the treaty for the Northern Cheyenne. You may wish to complete this activity as a whole class.*

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The Fort Laramie Treaty: Background Information and Instructions

The Fort Laramie Treaty was one of several treaties that the U.S. government negotiated with American Indian tribes across the Great Plains in order to expand westward. By negotiating treaties, the US acknowledged that Indian tribes were independent nations who legally owned their land. But there were several problems with the treaty process. Cultural and language differences led to frequent misunderstandings; the US government did not recognize that the Indian chiefs who signed the treaties did not represent the entire tribe; and, as Part 4 of "A Cheyenne Odyssey" shows, the US government did not consistently live up to its agreements.

This treaty, negotiated at Fort Laramie in present-day Wyoming, was intended to bring peace between the Lakota, their allies including the Cheyenne, and white settlers who were repeatedly encroaching on traditional tribal lands along the Bozeman Trail. It designated the Black Hills region of the Dakota Territory — an area sacred to the Lakota and Cheyenne — and other neighboring areas as protected Indian reservations, exempting them from white settlement. The treaty designated two additional areas, one that would remain as Indian hunting grounds for as long as there were sufficient buffalo herds to hunt; white settlers and Plains Indians tribes were meant to share this land while in the unceded territories whites could not settle or travel through without Indian permission. [See map below.] In exchange for annuities and rations, the Indian tribes agreed to allow the construction of railways through their territories.

Hopes for peace, however, were undermined by each side's fundamentally different perspective of the treaty. For the US government, restricting the Plains Indians to well-defined reservation lands and providing rations, schooling, clothes and farm tools, was the first step in converting Plains Indians to a settled agricultural life and assimilating them into "civilized society." Plains Indians viewed reservations as land protected from any white incursion, and saw the unceded and hunting grounds as territories under their control, through which they would allow whites to pass with permission. The annuities and rations were viewed as peace offerings and as payment for the destruction of the buffalo.

At first, President Grant tried to uphold the treaty with his "Indian peace policy." But in the early 1870s, the construction of the Northern Pacific Railroad, an economic depression, and discoveries of gold in the Black Hills led him to change course. His administration tried to renegotiate the treaty and buy the Black Hills, but the Lakota refused to sell the land. Next, in direct violation of the 1868 Fort Laramie Treaty, the government decided to let white intruders

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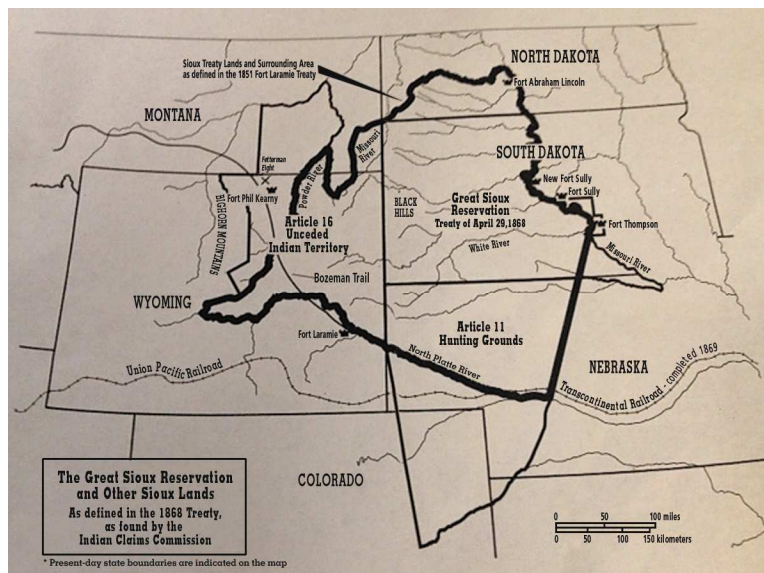
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enter Lakota territory, knowing the rush for gold would provoke a full-scale war and allow the military to take the land by force. The ensuing Great Sioux War of 1876 eventually led to a major reduction in the size of the Great Sioux Reservation, including the loss of the Black Hills. The conflict over the Black Hills remains a bitter subject for the Lakota, and is still a matter of legal dispute between the US government and the Sioux tribe.

The language used in legal documents, both in the 19th century and today, is very different from that used in conversation. As a result, deciphering the meaning of documents such as the Fort Laramie Treaty of 1868 can be tricky. You and the members of your group will be assigned an excerpt from the treaty. Read the passage closely and use the accompanying questions to help you understand its meaning. A glossary is provided. Once you understand the passage, translate it into language that can be understood by your classmates. Once all the passages have been translated, you will be able to read the most important parts of the treaty in 21st century language. You will then be able to answer the final questions to help you evaluate the effect of the treaty on the Northern Cheyenne and to imagine how Little Fox might have reacted to it.



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Fort Laramie Treaty (1868)

Signed by representatives of the US Government, including Lieutenant General William T. Sherman, and representatives of the Indian nations, including Chief Red Cloud of the Lakota Sioux, and Chiefs Dull Knife and Little Wolf of the Northern Cheyenne.

Excerpt 1:

From this day forward all war between the parties to this agreement shall forever cease. The government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they now pledge their honor to maintain it.

If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent, and forwarded to the Commissioner of Indian Affairs at Washington city, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also **reimburse** the injured person for the loss sustained.

If bad men among the Indians shall commit a wrong or **depredation** upon the person or property of any one, white, black, or Indian, subject to the authority of the United States, and at peace therewith, the Indians herein named solemnly agree that they will, upon proof made to their agent, and notice by him, deliver up the wrongdoer to the United States, to be tried and punished according to its laws, and, in case they willfully refuse so to do, the person injured shall be reimbursed for his loss from the annuities, or other moneys due or to become due to them under this or other treaties made with the United States. . . (Article I)

Glossary: *reimburse* – to pay back money to someone; *sustain* – to support or maintain; *depredation* – plundering attack; *prescribe* – to recommend or set down regulations; *ascertain* – to determine or find out.

1. What did the US government agree to do in this document?
2. What did the Indians agree to do in this document?
3. What were the punishments for whites that violated the treaty? For Indians? Were the punishments for whites and Indians the same?
4. Translate Article 1 into your own words.

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Excerpt 2:

The United States agrees that the following district of country, [See reservations identified on map.] shall be and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them; and the United States now solemnly agrees that no persons, except those herein designated and authorized so to do, and except such officers, agents, and employees of the government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, or in such territory as may be added to this reservation for the use of said Indians, and henceforth they will and do hereby relinquish all claims or right in and to any portion of the United States or Territories, except such as is embraced within the limits aforesaid, and except as hereinafter provided. (Article II)

1. What did the US government agree to do in this document?
2. Who was allowed to live in the lands designated by the US government and illustrated on the map?
3. Who was not allowed to enter or settle in the territory identified in the treaty?
4. Translate Article II into your own words.

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Excerpt 3:

If any individual belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to **commence** farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a **tract** of land within said reservation, not exceeding three hundred and twenty acres in **extent**, which tract, when so selected, certified, and recorded in the "Land Book" as herein directed, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to **cultivate** it.

Any person over eighteen years of age, not being the head of a family, may in like manner select and cause to be certified to him or her, for purposes of cultivation, a quantity of land, not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

And it is further **stipulated** that any male Indians over eighteen years of age...who shall have made improvements thereon of the value [of land] of two hundred dollars or more, and continuously occupied the same as a **homestead** for the term of three years, shall be entitled to receive from the United States a **patent** for one hundred and sixty acres of land including his said improvements, the same to be in the form of the legal subdivisions of the surveys of the public lands.... And any Indian or Indians receiving a patent for land under the foregoing provisions shall thereby and from thenceforth become and be a citizen of the United States and be entitled to all the privileges and immunities of such citizens, and shall, at the same time, retain all his rights to benefits **accruing** to Indians under this treaty. (Article VI)

Glossary: **commence** – to begin; **tract** – area of land; **extent** – range or scope; **cultivate** – to farm or nurture; **stipulate** – to specify something; **homestead** – land claimed by a settler and given by the US government; **patent** – exclusive right to own something; **immunity** – freedom from punishment; **accrue** – to accumulate.

1. What were "heads of families" and "anyone over eighteen years of age" entitled to receive from the US government?
2. Why would some Indians like this provision and others not like it?
3. What did Indians have to do in order to become US citizens?
4. Translate Article VI into your own words.

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Excerpt 4:

In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as are or may be settled on said agricultural reservations, and they, therefore, pledge themselves to **compel** their children, male and female, between the ages of six and sixteen years, to attend school, and it is hereby made the duty of the agent for said Indians to see that this **stipulation** is strictly **complied** with; and the United States agrees that for every thirty children between said ages, who can be induced or compelled to attend school, a house shall be provided, and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for not less than twenty years. (Article VII)

Glossary: *compel* – to force; *stipulation* – specification or requirement; *comply* – to obey.

1. What were the Plains Indians agreeing to do in Article VII?
2. How did the US government plan "to insure the civilization of the Indians entering into this treaty"?
3. Why do you think educating Indians, especially those who had agreed to become farmers, was so important to the US government?
4. Do you think the Plains Indians understood what was expected or required of them when they agreed to this article?
5. Translate Article VII into your own words.

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Excerpt 5:

In lieu of all sums of money or other annuities provided to be paid to the Indians herein named under any treaty or treaties **heretofore** made, the United States agrees to deliver at the agency house on the reservation herein named, on or before the first day of August of each year, for thirty years, the following articles, to wit: For each male person over 14 years of age, a suit of good substantial woolen clothing, consisting of coat, **pantaloon**s, flannel shirt, hat, and a pair of home-made socks.

For each female over 12 years of age, a flannel shirt, or the goods necessary to make it, a pair of woolen hose, 12 yards of calico, and 12 yards of cotton domestics. For the boys and girls under the ages named, such flannel and cotton goods as may be needed to make each a suit as aforesaid, together with a pair of woolen hose for each. And in addition to the clothing herein named, the sum of \$10 for each person entitled to the beneficial effects of this treaty shall be annually **appropriated** for a period of 30 years, while such persons roam and hunt, and \$20 for each person who engages in farming, to be used by the Secretary of the Interior in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper....

And it is hereby expressly **stipulated** that each Indian over the age of four years, who shall have removed to and settled permanently upon said reservation, one pound of meat and one pound of flour per day, provided the Indians cannot furnish their own **subsistence** at an earlier date. And it is further stipulated that the United States will furnish and deliver to each lodge of Indians or family of persons legally incorporated with them, who shall remove to the reservation herein described and **commence** farming, one good American cow, and one good well-broken pair of American oxen within 60 days after such lodge or family shall have so settled upon said reservation. (Article X)

Glossary: *in lieu of* – in place of; *heretofore* – until this time; *to wit* – as listed and described; *pantaloon*s – pants; *appropriate* – to set aside money for a particular purpose; *stipulate* – to specify something; *subsistence* – managing to stay alive; *commence* – begin.

1. What was the US government agreeing to provide to the Indians in Article X? Which Indians did this article apply to?
 2. Why was more money appropriated to the Indians who “engage in farming” than to the Indians who “roam and hunt”? Why did the US government make this distinction?
 3. Why would some Indians be attracted to the provisions of this article? Why would others not be attracted?
 4. Translate Article X into your own words.
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Excerpt 6:

In consideration of the advantages and benefits **conferred** by this treaty and the many pledges of friendship by the United States, the tribes who are parties to this agreement hereby **stipulate** that they will relinquish all right to occupy permanently the territory outside their reservations as herein defined, but yet reserve the right to hunt on any lands north of North Platte, and on the Republican Fork of the Smoky Hill River, so long as the buffalo may range thereon in such numbers as to justify the chase. And they, the said Indians, further expressly agree: that they will withdraw all opposition to the construction of the railroads now being built on the plains; that they will permit the peaceful construction of any railroad not passing over their reservation as herein defined; that they will not attack any persons at home, or travelling, nor molest or disturb any wagon trains, coaches, mules, or cattle belonging to the people of the United States, or to persons friendly therewith; that they will never capture, or carry off from the settlements, white women or children; that they will never kill or scalp white men, nor attempt to do them harm.

They withdraw all pretense of opposition to the construction of the railroad now being built along the Platte River and westward to the Pacific Ocean, and they will not in future object to the construction of railroads, wagon roads, mail stations, or other works of utility or necessity, which may be ordered or permitted by the laws of the United States. But should such roads or other works be constructed on the lands of their reservation, the government will pay the tribe whatever amount of damage may be assessed by three disinterested commissioners to be appointed by the President for that purpose, one of the said commissioners to be a chief or headman of the tribe.

They agree to withdraw all opposition to the military posts or roads now established south of the North Platte River, or that may be established, not in violation of treaties heretofore made or hereafter to be made with any of the Indian tribes. (Article XI)

Glossary: *confer* – to award; *stipulate* - to specify something

1. What did the Indians agree to in Article XI?
 2. What rights to lands did the treaty reserve for the Plains Indians? What conditions were attached to these rights?
 3. Why did the US government want these concessions by the Indians?
 4. Translate Article XI into your own words.
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Excerpt 7:

The United States hereby agrees and **stipulates** that the country north of the North Platte River and east of the summits of the Bighorn Mountains shall be held and considered to be **unceded** Indian territory, and also stipulates and agrees that no white person or persons shall be permitted to settle upon or occupy any portion of the same; or without the consent of the Indians, first had and obtained, to pass through the same; and it is further agreed by the United States, that within ninety days after the conclusion of peace with all the bands of the Sioux nation, the military posts now established in the territory in this article named shall be abandoned, and that the road leading to them and by them to the settlements in the Territory of Montana shall be closed. (Art XVI)

Glossary: *stipulate* – to specify something; *unceded* – not owned or claimed.

1. What was unceded territory, and what did the US government agree to do with "military posts" in Indian territory?
2. Why would the US government make these concessions?
3. Why would the Indians want these provisions?
4. Translate Article XVI into your own words.

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The Fort Laramie Treaty (1868)
Questions for Analysis

Fill in the chart to help you compare what the Northern Cheyenne and other Indian nations gained and lost from the Fort Laramie Treaty of 1868 to what the US government gained and lost. After completing the chart, answer the questions.

	Gains	Losses
Northern Cheyenne & Other Indian Nations		
US Government		

1. Given what you know from playing the game and from reading the treaty, do you think the Indians or the US government got the better bargain? Why?

2. What provisions might have been confusing to or misleading for the Plains Indians?

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Extension Activity:

Not all Indians supported the Fort Laramie Treaty. In fact, several key Lakota chiefs, such as Sitting Bull and Crazy Horse, didn't sign it. Their bands refused to live on the reservations or accept annuities. Some bands of Northern Cheyenne followed a similar policy.

How do you think Little Fox would react to the treaty? Would he agree with Chief Dull Knife and Chief Little Wolf and support it? (While the provisions of the treaty certainly encouraged Indians to settle on reservations and abandon a nomadic lifestyle, it didn't require them to do so, and it preserved the unceded territories as buffalo hunting grounds.) Would he be attracted to settling on a reservation, accepting annuities, and becoming a farmer? Or, would he be wary of the terms of the treaty, fearful that the construction of railroads would lead to more white settlement?

Write a speech that Little Fox might have delivered to his band, explaining his feelings about the provisions of the treaty, and what he thinks his band should do.