

## What is truth and what are facts?

**It is said that truth lies in the eye of the beholder and facts are created by the conqueror. But what is justice? Can it ever be achieved?**

This overview has been based on a few well-researched books that attempt to represent truth and facts (Appendix). Further reading is encouraged as but a few of the many treaties that were forced on the Native Americans (Indians) and then broken by the US government, along with the sufferings this created, could be provided in this overview.

### **Genocide Committed against the Native Americans (Indians)**

While the words genocide and ethnic cleansing could not have been used when the first books documenting the atrocities committed against the Indians were written, such as the bestseller *Bury my Heart at Wounded Knee –A History of the American West* (1971), these words are now used more openly such as in the excellent documented *Atlas of Indian Nations* (2013) published by National Geographic.

Given the country's history in the atrocities committed against the Indians, a true attempt at reconciliation and a true apology has never been forthcoming. **Alohahawaiionipaa.org therefore supports as a meaningful step of reconciliation a national holiday that honors the Native Americans and replaces Columbus Day**, a still insensitive insult to most Native Americans to this day, as the "Discovery by Columbus of America" started the genocide against the Native Americans by Europeans in North and South America.

We have to become more sensitive to the wrongs committed against minorities by the white majority in making this country "great" in their eyes. Would a Native American or Black or anyone else, carry a twenty dollar bill in his or her wallet that displays a picture of General and President Andrew Jackson if he or she knew the true history of the man that made him great in the white men's eyes?

Instead, in the eyes of the general public, the genocidal war against the Indians and the loss of moral authority and dignity by the US has been covered up to this day on a world-wide scale by the doctrine of divine destiny (the white Europeans and their descendants were ordained by Godly destiny to rule America and beyond) and subsequently by the Hollywood movie industry which largely vilified the Indians as savages and depicted the whites as victims. It takes much more soul-searching to acknowledge the genocidal wrongs committed than, for example, the misleading words expressed in the National Park Service's *Guide to the Trails at Big Hole National Battlefield* still handed out as of this date. Item #16 states:

*"Like most fields of death, Big Hole Battlefield elicited an emotional response from battle survivors on both sides, which continues today. Not every soldier or volunteer who fought here was convinced that the Nez Perce were a deserving enemy, and some clearly disagreed with Gibbons' implication of a military victory. Others, however, believed that the benefits of subduing or assimilating American Indian tribes were of primary importance to the expanding United States. For them, no individual person's or group's honor was too great a price to pay.*

*Can you discover similar philosophical differences and their consequences in national and international events today?"*

Are we rationalizing here genocidal atrocities committed as a nation as inevitable clashes of cultures.

Was Colonel Gibbon's pre-dawn attack on August 9, 1877, butchering men, women and children of a sleeping Nez Perce Indian camp anything but a genocidal attempt to wipe out the remnants of an Indian Nation? One of the first tents (tipis) overrun by his soldiers was a maternity lodge occupied by a woman, a newborn baby, and her midwife. The women were shot to death and the baby's head smashed by a boot or gun breech.

At least an attempt at reconciliation with Native Hawaiians was attempted through Public Law 103-150, also known as the 1993 Clinton Apology for the collusion by the United States government in the illegal overthrow of the Hawaiian Kingdom in 1893 (stealing the kingdom without compensation).

### **Overview**

The introduction of Aston Treuer's ***Atlas of Indian Nations*** (2013) published by National Geographic, provides a painful but at times all too factual summary of Native American views of what happened to them. An overview is provided below:

*"Diseases such as chicken pox and measles decimated the population, crippled resistance and toppled many tribal political systems. It is estimated that up to 95% of the population died during the early contact period. Those deaths often occurred at the same time the Europeans came to take their land and enslave the people."*

*"When missionaries arrived they systematically changed tribal religion and language with resistance largely brutally suppressed."*

*"Through encroachment and squatting, military actions, and negotiated treaties (readily broken), the tribes of North America were deliberately dispossessed. They descended into abject poverty, a condition that has yet to be overcome by most. When the US government stopped making treaties in 1871 (virtually all of which had been systematically broken for further land grabs), **the process of dispossession continued through executive orders from the President and acts of Congress.**"*

*"Many tribes resisted their dispossession but most were eventually defeated. Genocide to defeat and eliminate them happened in many places. **Some of the most horrific acts in human history were perpetrated by the U.S. Army.**"*

*"The war on tribal cultures and languages was carried on long after the physical genocide stopped. More than 20,000 Native American children were removed from their homes and sent to residential boarding schools every year. In these government schools children were beaten for speaking the only language they knew, forced to pray in the Christian tradition, and torn from the social fabric of tribal communities. Today, as a result many North American tribal languages are extinct."*

But the land grabs continued. *“The US government passed legislation called the Dawes Act in 1887. That enabled the government to allot Indian reservations—to break up the communal land that had been held in common for all tribal members. Instead, each family got a private allotment and two-thirds of the reservation land was opened up for white settlement. Most Indians lost their private allotments over the years to land speculators and outright fraud....The government terminated some reservations and relocated many tribal people to urban areas. Education and social service policies have also undermined the rights of native peoples to raise their young according to tribal customs. **Bitterness and pain remain in Indian country, as justice, remedy, reconciliation, and even truth remains elusive for many Indians.**”*

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### **The American Period**

In 1893, by the time of the illegal overthrow of the Hawaiian Kingdom, the US mainland was securely in the hands of the European immigrants from coast to coast. The near genocide of the Native Americans had largely been completed in 1890 with the massacre of the Indians by the US Army at Wounded Knee, the theft of their land, and the corralling of the remaining surviving Indians into reservations (de facto concentration camps). These camps *were meant to civilianize them into Christians*, thereby robbing them of their cultural heritage and dignity or let them die. Also located largely on unfertile land and with limited natural resources inclusive of water, the reservations robbed them of their ability to be self-sufficient and steeped them for generations into almost total dependency on the white man.

In contrast, during his administration, George Washington, the country’s first president, and the first US Congress had recognized Native Americans as people with rights to their ancestral lands, and life and dignity as human beings. As so well documented by Steve Innskeep in his new 2015 book **Jacksonland: President Andrew Jackson, Cherokee Chief John Ross, and a Great American Land Grab**, this basic human right was already being abrogated by future President Andrew Jackson who is depicted on the US \$20 bill. Andrew Jackson, as general, enriched himself by taking of Indian land, selected genocide against Indians, being a slave trader and growing cotton on the backs of black slaves that paid him \$35,000/year in 1825 compared to a salary of \$25,000 for the then US president. In 1818 General Jackson had already engineered illegal Indian land grabs of over 1 million acres which was nullified by order of his superiors in Washington. He betrayed the Cherokee Indians that helped him become a hero in the eyes of the white man.

As correctly pointed out on the Cherokee Nation website [cultural@cherokee.org](mailto:cultural@cherokee.org), “President Andrew Jackson's military command and almost certainly his life were saved thanks to the aid of 500 Cherokee allies at the Battle of Horseshoe Bend in 1814”. After the battle Jackson painted himself as a hero but gave little credit to the Cherokees. Sadly this battle is also remembered for its atrocities with the “roasting” by Jackson’s soldiers of the surviving 40 “Big Stick” Indian defenders in their lodge and the butchering by his Cherokee allies of about 300 of the “Big Stick” Indians that tried to escape by swimming across the river.

As documented so succinctly by John Ehle (1980) in **The Rise and Fall of the Cherokee Nation**, in order to prevent Georgia from illegally occupying Cherokee and Creek land, incoming president John Quincy Adams in 1825 had planned to send General Edmund Gaines with a

large number of troops to secure their territory and protect Indian rights. It impressed the president that the Indians stated that, while protesting against a backhanded treaty that was engineered to take much of their land, they had decided on non-violent opposition to their removal and would not raise an army against the United States, even if an army would come to take them from their land. **“They would make no sort of resistance but would sit down quietly and be put to death where the bones of their ancestors are resting, so that the whole world shall know that they loved their country so much that they were willing to die rather than sell it or leave it** (*Rise and Fall* pp. 200-202).”

But they had little choice to start selling their land the following year and were then removed from Georgia. The year thereafter Chief McIntosh who had sold them out and had taken bribes for doing so was murdered by his own people as punishment.

When Andrew Jackson became president in 1829 he could look back on a successful frontier career in which he and his soldiers had successfully slain thousands of Cherokees, Chickasaws, Choctaws, Creeks, and Seminoles that undoubtedly helped him to get elected. However, a group of Native Americans collectively referred to as the “Five Civilized Tribes” (Cherokee, Chickasaw, Choctaw, Muscogee, and Seminole), were still living as “autonomous” nations in what would be the American Deep South slave states from which he came.

As further documented by Steve Inskeep in his 2015 book *Jacksonland....*, Jackson set his sights on confiscating the territory of the five Civilized Indian Nations through the Indian Removal Act of 1830. Knowing to be vindictive, he pressured senators to vote along party lines. However, some courageous members of Congress such as Davey Crockett, who was the only member from Tennessee to vote against the bill, broke ranks. Crockett labeled the bill “a wicked, unjust measure” and “oppression with vengeance.” This stand, of course, greatly damaged his further political career. Jackson was able to even fool some of his opponents into voting for it in exchange for a perceived promise to sign a bill financing a highway through Kentucky, which he never intended to sign and vetoed on its last day after The Removal Act had safely passed Congress with a vote of 102 in favor and 97 against. This ruthless maneuvering assured the removal of Indians (ethnic cleansing) from all land east of the Mississippi River to west of the Mississippi.

Jackson, being a president from the Southern States, apparently wanted to expand slavery and the lucrative cotton industry. However, Chief John Ross, a well-educated “half-breed” Indian who resembled a white man, had held off Georgia’s illegal land grab during the 1820s by copying the way the original thirteen states were formed as the legal, independent United States through drafting a somewhat similar constitution for his Cherokee Nation, having it ratified by popular vote, designing a capital, and printing the first Indian newspaper that went nation-wide and helped support their cause of freedom. However, Jackson, as president, approved of the discriminatory laws enacted by slave state Georgia that robbed the Indians of their legal rights as human beings and therefore their right to free assemblage and their own country. When the Cherokee nation appealed against the discriminatory laws of Georgia the Supreme Court on July 18, 1831, under Chief Justice Marshal, ruled that while they were a

separate state, they were not a foreign nation but a domestic, dependent nation and that the court had no jurisdiction over a domestic, dependent nation. President Jackson ignored the Supreme Court rulings and continued his discriminatory actions against the native Americans which then robbed them of their land and forced them west across the Mississippi or be exterminated (*Rise and Fall* p. 243).

When in February 1832 hundreds of defenseless Choctaws, as the first of five major civilized tribes, were forced to board a ship to be illegally transported west (after being forced to cede their land), and with a mob of white Mississippians watching from the dock, Chief Harkins addressed the white crowd from the boat as follows:

*“We are hedged in by two evils and we chose that we thought the least. Yet it is said that our present movements are our own voluntary acts—such is not the case. We found ourselves like a benighted stranger following false guides, until he was surrounded on every side with fire and water. The fire was certain destruction, and a feeble home was left him of escaping by water. A distant view of the opposite shore encouraged the hope; **to remain would be inevitable annihilation.** Who would hesitate, or who would say that plunging into the water was his own voluntary act?”*

At the beginning of the 1830s, perhaps 125,000 Native Americans lived on millions of acres of land in Georgia, Tennessee, Alabama, North Carolina and Florida—land their ancestors had occupied and cultivated for generations. By the end of the decade, very few natives remained anywhere in the southeastern United States. How did or could this happen?

Needless to say the treaties that recognized the land west of the Mississippi as perpetual Indian land were soon thereafter again broken along with over 360 other “legal” treaties as part of a US national policy of forcing all American Indians onto reservations (concentration camps) or being exterminated to make way for the westward expansion of the white man at any cost, which was then enforced by the US Army.

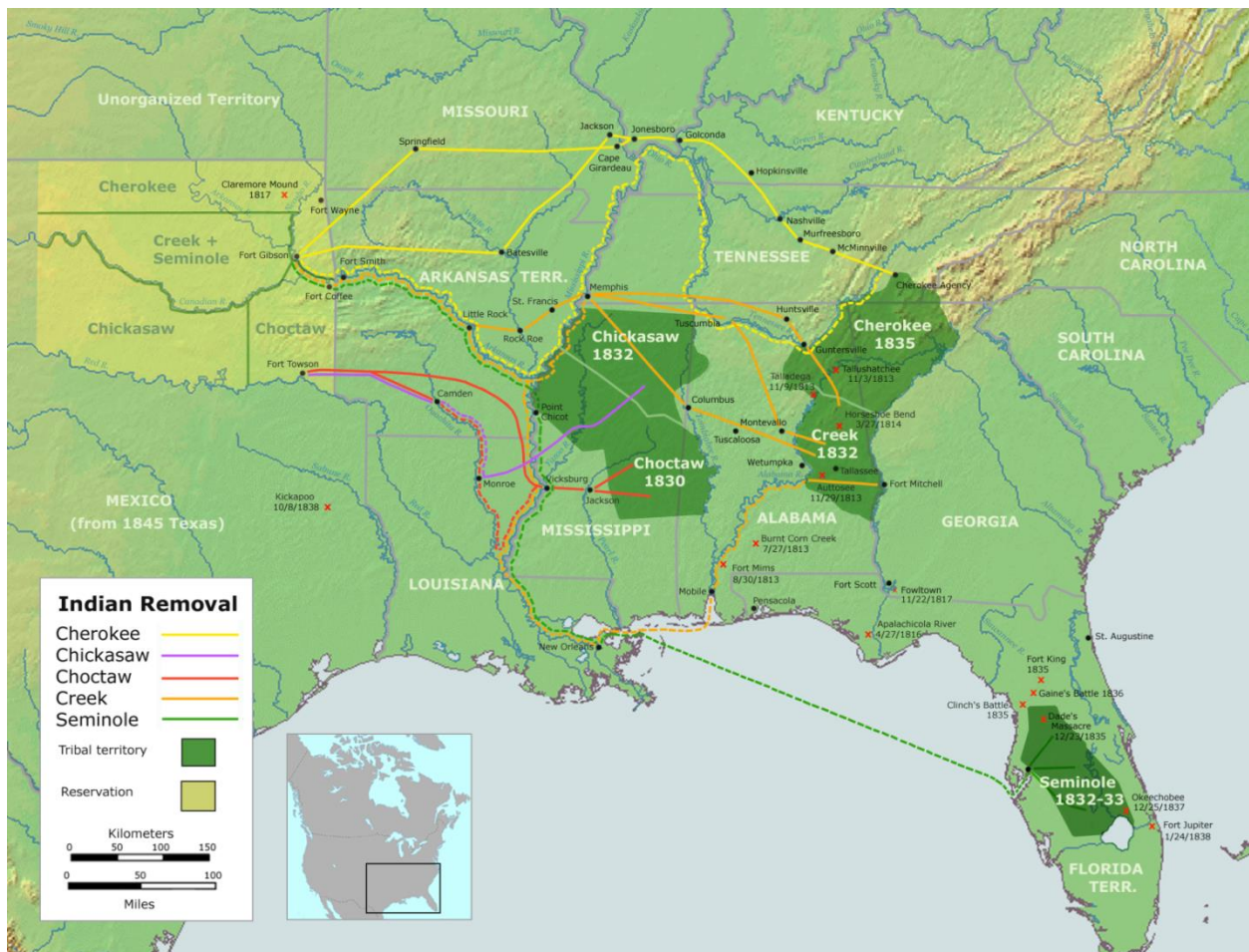
As was already well documented by Deebury Brown in his 1971 book ***Bury My Heart at Wounded Knee (An Indian History of the American West)***, this expansion westward, breaking of treaties and illegal land grabs, was also made possible by other territories and states that copied Georgia’s path of removing legal protection for Indians so that their rights could be violated and they could be killed as “necessary” without legal recourse on their part.

The United States government used the Treaty of New Echota to steal the land of the Cherokee nation and force it to move west of the Mississippi within two years or be forcibly removed. It was a treaty forced on the Indians by the State of Georgia (excerpts from Wikipedia: Treaty of New Echota) and signed on December 29, 1835, in New Echota, Georgia, by officials of the [United States](#) government and representatives of a (bribed) minority Cherokee political faction. The majority of the **Cherokees felt betrayed and over 16,000 signed a petition under their Cherokee National Council and its elected leader Chief John Ross to prevent the passage of the treaty by the US Senate and refused to move.** It was



nevertheless ratified by the Senate in March 1836, and became the “legal” basis for their forcible removal.

Initially their forced evacuation was planned in stages but when gold was discovered within their territory, the fate of the Cherokee Nation was sealed. In the spring of 1838 an army of about 4,000 soldiers and 3,000 volunteers then marched onto Cherokee Territory, rounded them up like cattle and forced them into prison camps. From there they were forced to start a deadly winter trek westward in the fall of 1838 to the new Indian Territory. This trek became known as the “Trail of Tears and Death” when almost one quarter of them predictably died from cold, hunger and disease, largely women and their small children (*Wounded Knee* p.7). However, the “Trail of Tears” had actually already started in the early 1830s with the removal of the first of Indian tribes from east of the Mississippi. While Oklahoma then became the new home for the Cherokees, which was promised by the federal government to be theirs for eternity, they lost this land forever when Oklahoma became a state and Cherokees were then again forced to move further westward.



Wikipedia: the free Encyclopedia: Map of the route of the **Trail of Tears**—a) for ethnic cleansing of Native Americans from the Southeastern United States between 1836 and 1839; b) the forced march of **Cherokee removal** from the **Southeastern United States** for forced relocation to the **Indian Territory** (present day Oklahoma).

As also well documented by Brian Schoefield in his 2009 book *Selling Your Father's Bones—America's 140-Year War Against The Nez Perce Tribe*, similar land grabs along with atrocities were also quickly expanded throughout the US territories. Schoefield documents how by the 1840s the romanticized Oregon Trail was already “a swath of overgrazed grass and churned-up mud several hundred meters wide in places.” “Every tree within miles of the path had been chopped down and burned, waterholes were fouled by rubbish and the swollen carcasses of cattle and horses, “trail trash” littered the ground, and every creature that came into rifle range fell.” An eyewitness described it as follows “...it was like something from Dante's Inferno.” Shoeshoe Chief Washakie described an Indian's experience living along the trail as follows “Before the immigrants passed through this country, buffalo, elk, and antelope could be seen upon all hills, now, when he looked for game, he saw only wagons with white tops and men riding upon their horses.”

Schoefield, in following the 140-year destruction by the white man of the Nez Perce land stolen from them in Oregon, punctures the myth such as described in Oregon history books: “*The early settlers were a noble, patriotic, industrious, unselfish, intelligent, good, kind and moral people as were assembled together in like number.*” (*Selling your Father's Bones p.29*). He documents that their land was desecrated and polluted by the white man and that the myth of the rugged, individual frontiersman, not depending on government assistance and handouts, is far removed from reality.”

He then goes on to state: “*The native inhabitants of goldfields almost everywhere paid the highest price of extermination. Most of the tribes of the California Mountains such as the Poma, Yan, and Yuki were simply obliterated in a frenzy of greed and loathing. Death squads of volunteer miners were organized to butcher inconveniently located Indian families. Children, perhaps as many as 10,000, were abducted and sold for labor into slavery. In a competitive field of atrocities against the Native Americans, the treatment of the California indigenous people is probably the worst crime of the North American expansion. In the twenty years following the gold rush of 1849, California's native population of about 100,000 was reduced to little more than 30,000*” (*Selling Your Father's Bones p.38*).

Such genocide was also made possible by the California Constitution, which did not give indigenous people legal rights and therefore did not recognize them as human beings under the law. Therefore, anyone could butcher them just like cattle. It was also easier to claim Yosemite as the white's man's new playground with the eradication of its native population.

The Sand Creek Massacre of November 29, 1864, is perhaps the most shameful public documented extermination of Indians. Nobody will ever know how many such massacres were committed on a smaller scale against Indians everywhere. Colonel Chivington of the Colorado militia hated Indians and had earlier given orders to kill every Indian man on sight. Chief Black Kettle, aware of the threats of Chivington, had gone to Fort Lyon to broker peace, as the government forced his Cheyenne into new reservations. Aware of the threats of Chivington, he had set up camp at Sand Creek with about 800 Cheyenne and Arapaho, assured of the protection from the camp's soldiers and flying a US as well as a white flag.

Knowing that most of the able-bodied Indian men had departed for food hunting and that most of the camp was therefore occupied by old men, women and children, Chivington, after celebrating the planned slaughter of the Indians the night before with a drunken party, ordered the camp to be attacked and everyone slaughtered.

Captain Silas Soule and one other officer refused the order to kill women and children. Despite threats against his life, Captain Soule (a true hero!) later testified about the atrocities committed along with collaborating testimony from others. Needless to say he was ruthlessly murdered without anybody ever being brought to justice for it. As then further documented in *Bury My Heart at Wounded Knee*, testimony brought out the following gruesome facts: After the camp was attacked the remaining warriors put the squaws and children together and surrounded them to protect them. The soldiers indiscriminately slaughtered men, women and children. At one instance "...there were some thirty or forty squaws (women) collected in a hole for protection; they sent out a little girl about six years old with a white flag on a stick; she had not proceeded but a few steps when she was shot and killed. All the squaws in that hole were afterwards killed; and four or five bucks (men) outside. Nearby, one squaw was cut open with an unborn child laying on her side. Quite a number of infants in arms of their mothers were killed with them. Every man, woman, and child was then scalped and in many instances their bodies were mutilated in the most horrible manner—their privates were cut out. When the genocide was over 105 Indian women and children as well as 28 men were murdered. 24 soldiers were also killed and more than 52 wounded, many believed to be by friendly fire from drunken soldiers. Testimony also documented that many soldiers cut the genitalia from women and used them as headbands or on their saddle bows. The scrotum of Chief White Antelope was made into a tobacco pouch. Before Chivington and his men left the area, they plundered the tipis and took the horses. After the smoke cleared, Chivington's men came back and killed the wounded they could find. Some of the soldiers made sport of kicking human fetuses and some of these as well as genitalia were taken as war trophies and displayed at the Apollo Theatre and various saloons in Denver (*Atlas of Indian Nations* p.134).

The public airing of the atrocities ended Chivington's political career but despite recommendations by the Joint Committee on the Conduct of Wars to bring him and others to justice, no charges were ever brought.

After the actual details of the massacre became widely known, the United States federal government, probably in order to save face, assembled a blue ribbon committee and signed the Treaty of Little Arkansas in 1865, which gave the surviving Indians the right to free access south of the Arkansas River but excluded land north of the Arkansas north of the Platte River. It also promised further land and cash reparations to surviving victims of the Sand Creek massacre. However, needless to say, few of these promises were kept, and less than two years later the government abrogated most parts of the treaty. Instead it forced the Medicine Lodge Treaty upon the Indians which reduced their reservation land by 90% and was located in much less livable land in Oklahoma (land not desired by white settlers).



To cover up or at least not acknowledge these atrocities, a monument was installed on the white man's Colorado State Capital grounds in 1909 listing Sand Creek as one of the "battles and engagements" fought by Colorado troops in the American Civil war. It took almost 100 years to at least partially correct these historical lies by adding an additional plaque in 2002 which stated that the original designer mischaracterized Sand Creek by calling it a battle. However, the truth was still not told.

When an exhibit about Sand Creek titled "Collision: The Sand Creek Massacre 1860s—Today" was opened in 2012 with the new History Colorado Center in Denver, it was based largely on the white man's view of events. It immediately drew heavy criticism from members of the Northern Cheyenne and Arapaho tribes, because no Indian tribes were consulted and the exhibit was portrayed as an inevitable clash of cultures rather than an indefensible massacre. It was therefore closed a year later and the Indian tribes were consulted for their more factual input. Then, on December 3, 2014, Colorado Governor Hickenlooper finally apologized to descendants of the Sand Creek Massacre, but with their stolen ancestral lands nevertheless securely in the hands of the government and largely white settlers.

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When the 14<sup>th</sup> Amendment became part of the U.S. constitution in 1868 as outcome of the 1861-65 Civil War, it gave equal rights to blacks (at least immediately on paper) but not to Indians. It was apparent that, having no legal rights, Indians could still be treated and shot just as cattle unless they agreed to leave their homeland, become Christians and relocate on reservations (de facto Indian jails), where they would largely live on US government handouts or die. War would be declared on those not willing to relocate and they would be hunted down and exterminated.

Elliott Wood, in his 2009 book titled ***The Last Indian War—The Nez Perce Story***, provides some insight into the setting and thinking of the 1870s that witnessed continued atrocities against the Indians by stating:

*True genocide, the formally sanctioned physical destruction of a people, was never remotely considered by anyone with any significant power. The answer instead during the 1870s, was the "Peace Policy" through the disintegration of indigenous tribes to evangelize them as Christians, educate them in the white man's ways and basically force them to live the white man's ways (as farmers and town citizens).*

Letting Indians live alone and in peace as their wished was not an option of the "Peace Policy," as Indians would not be allowed to arrest the country's progress, and cultural retooling was an order, not an offer. Violence was also part of the equation if this would not work. As stated by General Sherman: Indians would be treated by a "double process of peace within their reservation and war without." But as part of this double standard, genocide was continued by the Army and apparently sanctioned by those in power as an inevitable outcome when Indians were not willing to be herded onto reservations.

For example, when the government tried to force the non-treaty Nez Perce from their ancestral lands which covered several million acres, General Howard and his right-hand man Captain Wood who was trained in law, initially disagreed in 1875, as they believed that the land belonged to the Indians. While Captain Wood subsequently wrote a pamphlet in January

1876, excerpts of which are quoted below, and refused to rescind it later, General Howard, like others before him, turned turncoat a year later (in an apparent attempt to enhance or protect his career) and ordered the removal of the Nez Perce from their ancestral homelands within thirty days or war would be declared on them (“showing the rifle”). The Indians knew that this would result in a near genocidal policy of annihilation by the Army as had already been stated by General Sherman.

Wood dismissed the government’s generation-long claims to force Indians into reservations or declare war on them by declaring them illegal and stating:

*“The Nez Perce were not a tribe but a confederacy of bands, each with an identity rooted in its immediate area. There had never been a head chief until Elijah White had ‘virtually appointed one in 1842,’ and the man named ‘Lawyer,’ now given the title, enjoyed only the ‘semi-assent’ of a few bands. When the gold rush had brought a flood of ‘the very worst whites,’ the government had tried to control the crisis with the 1863 Treaty (known as the ‘Thief’s Treaty’), but the result instead was a ‘radical separation’ between those for and against it.”*

Wood also shut down the government’s argument that everyone had to agree with what Washington said, because the Indians were now living within a modern nation:

*“If the Nez Perce would have fully owned their land, then like any “high contracting power” they would have to speak through one leader and all bands would have to go along. But, as Washington had said for decades, Indians were not sovereign, only “semi-civilized” people with only a right of occupancy. According to the government’s own terms, the rules for modern nations did not apply. Exactly because Washington had denied that the Nez Perce owned the land they lived on, Washington was obliged to respect the rules of their “semi-civilized” way of life, which left authority with the bands, not with “Lawyer” or any other fictional common authority. The conclusion was clear. “The non-treaty Nez Perce cannot in law...be bound by the (illegal) Thief’s Treaty of 1863. Legally speaking, any attempt to take Chief Joseph’s people out of Wallowa should be null and devoid.”*

As to further conflicts unfolding elsewhere, Wood stated:

“In the Black Hills, with the Sioux Indians, the same policy of violated pledges is to-day having its inception. The wrongs suffered, the sacred treaty obligations disregarded, the insults, outrages, and political crimes heaped upon the Nez Perce Nation, are re-enacted towards the Sioux. ***“If our government cannot keep its plighted faith, even with the Indians, if it has no sense of honor left, the civilized nations of the globe will not be slow to find it out, and when they do, there is a reason to fear a chapter in our history remains to be written which mankind shall tremble to read.”***

What exactly was happening in the Black Hills that Wood was so concerned about and where his prophecies would come true six months later? The Black Hills, an isolated mountain range rising from the Great Plains in present-day western South Dakota and extending into Wyoming were part of the **Treaty of Fort Laramie (the Sioux Treaty of 1868)**. The treaty is just one example of the many treaties broken by the United States government when greed takes

over. It was an agreement between the United States and the Oglala, Miniconjou and Brulebands of Lakota Indians, Yanktonai Dakota and the Arapaho Nation signed on April 29, 1868 at Fort Laramie in then Wyoming Territory. It guaranteed the Lakota ownership of the Black Hills and exemption from white settlement in perpetuity and provided additional land and hunting rights in South Dakota, Wyoming and Montana.

However, the Black Hills were doomed when gold was discovered as a result of General Custer's illegal army expeditions into the area in 1874 in violation of the 1868 Treaty of Fort Laramie. Violating the treaty the US government then attempted to move the Lakota Sioux Nation to other reservations in western South Dakota. During the subsequent gold rush that started in 1875 thousands of miners invaded the Black Hills with the United States not enforcing the treaty apparently because of its desire for gold. When the Indians then tried to defend their territory against the hords of gold seekers the Army initiated the Black Hills War.

Six months after Wood's statements, on June 25-26 1876, the Sioux annihilated General George Custer and five of the 7th Cavalry's twelve companies at the Battle of Little Big Horn. Since 1874 Custer had led US troops into the Great Sioux reservation, which inflamed the Lakotas because it violated the 1868 Treaty of Fort Laramie which required tribal permission for anyone to enter their land. Custer had political (he aspired to run for president) as well as financial interest in tying the Sioux Indian Reservation to railroad interests. He therefore increased the presence of the military on the reservation over the next two years wherever he could, with the Indians watching in great unease but not retaliating.

The Army then decided to use the 12 regiment strong 7<sup>th</sup> Cavalry Regiment in a three-prong pincher move that would converge on the combined camped forces of the Lakotan Northern Cheyenne and Arapaho on June 26 and 27. However, coordination and planning already fell apart starting on June 17, 1876, when General Crook's column retreated after the nearby Battle of the Rosebud and General Terry's forces were thereafter pinned down while Gibbon was still in transit. Then, when Custer finally brazingly attacked on June 25, 1876 he not only misjudged the strength of his enemies but also relied on Reno and Gibbon to flush out the noncombatant Indians (women, children and the elderly) which then could be used by him as a shield if necessary). Forced to retreat and pinned down, he desperately contacted the other parts of the 15<sup>th</sup> Cavalry for help which however never arrived because they were pinned down nearby and were also fighting for their lives. The army had misjudged the strength of the Indians because the Lakotas and Cheyenne had banded together for several years to protect their families, as they feared another genocidal massacre of their women and children such as the Sand Creek Massacre.

General Custer was known to the Indians as a merciless killer of women and children. Pertaining to Indian warfare, he had previously stated in his recent 1874 book ***My Life on the Plains*** that his strategy of fighting the Indians was to first attack the non-combatant women, children and old men:

*"Indians contemplating a battle, either offensive or defensive, are always anxious to have their women and children removed from all danger....For this reason I decided to locate our [military] camp as close as convenient to [Chief Black Kettle's Cheyenne] village, knowing that*

*the close proximity of their women and children, and their necessary exposure in case of conflict, would operate as a powerful argument in favor of peace, when the question of peace or war came to be discussed."*

On Custer's decision to advance up the bluffs and descend on the village from the east, Lt. Edward Godfrey, whose Company K survived, stated:

*"[Custer] expected to find the squaws and children fleeing to the bluffs on the north, for in no other way do I account for his wide detour. He must have counted upon Reno's success, and fully expected the 'scatteration' of the non-combatants (women, children, and old men) with the pony herds. The probable attack upon the families and capture of the herds were in that event counted upon to strike consternation in the hearts of the warriors, and were elements for success upon which General Custer fully counted".*

Another reason for Custer's brash attack may also have been his expectation of quickly inflicting another genocidal defeat because of his seemingly overwhelming firepower which he apparently misjudged. While he did not have 7-shot repeating rifles unlike the cavalry unit he led in the Civil War which had Spencer carbines (7-shots lever action), he did have the 1873 issue "Trapdoor Springfield single shot carbines that were the latest army issue for horse-mounted troops. It is believed that they were loaded down from 70 grains of black powder to 60 grains because the 70 grains of black powder provided an excessive recoil when shot in the shorter and lighter carbine version of the standard issue rifle. The army used these rifles because they shot well at a distance and therefore offered superior fire power from long range. However, they provided only limited fire power up close to a charging, mounted enemy. When many mounted Sioux Indians, not even having any rifles, initiated an almost suicidal counterattack with largely bows and arrows during the initial battle, his cavalry units were at a disadvantage. These lightning counter attacks also threw the 15<sup>th</sup> Cavalry units back through wooded areas and creeks where their long distance initial firepower superiority was not an advantage.

Once the US government realized that the buffalo helped the Plains Indians maintain not just freedom but also power, it embarked on a successful genocidal war against the buffalo (bison), since slaughtering buffalos was easier than fighting Indians. After their 1876 defeat at the Battle of Little Big Horn, the military campaign against the Plains Indians therefore shifted not to engage them openly in battle anymore but rather starve them into submission by killing their food supply. As many as 5 million buffalos were killed in some years during the 1870s until the plains were littered with carcasses and there were no more buffalos to be found (*Atlas of Indian Nations* p.147).

Destroying the enemies' food supply had been already successfully used by the army in earlier days in weakening its Indian enemies. Such was the case with the Navahos who had watched General James Carleton's ruthless campaign against the Apache Nation that forced the survivors from their rich Rio Grande Valley onto a worthless piece of land along the Pecos. The Navaho nation's desire to settle for peace and remain on their land was rejected by Carleton, as he was also forcing them from their rich land onto useless land. Instead, in 1863 a scorched earth policy was established through the destruction of their crop and a bounty was put on

their livestock. When Kit Carson, under Carleton's command, further encouraged scalping, the Navahos could not believe that such would be condoned as they considered it a barbaric act introduced by the Spaniards (*Wounded Knee* pp. 20-25). Why should the white man then be enraged when the Indians scalped General Custer's troops 13 years later at the Battle of Little Big Horn? Following the subsequent defeat of the Lakota Sioux and their Cheyenne and Arapaho allies later in 1876, the United States illegally seized the Black Hills in 1877 in violation of the 1868 Treaty of Fort Laramie.

Colonel Gibbons, a somewhat distant survivor of the June 25-26 Battle of Little Bighorn who had been cleared during the Army's subsequent a court marital inquiry for not coming to the assistance of General Custer, apparently wanted to vindicate himself with his attempted annihilation on August 9, 1877 of the sleeping Nez Perce Indian Camp during which men, women and children were butchered. As already pointed out earlier one of the first tents (tipis) overrun by his soldiers was a maternity lodge occupied by a woman, a newborn baby, and her midwife. The women were shot to death and the baby's head smashed by a boot or gun breach.

As well-documented by McWhorter in **Yellow Wolf—His Own Story**, surviving warrior Yellow Wolf provided a rare eyewitness account from the Indian point of view about the massacre and Gibbon's self-serving embellishments painting it as a victory against a superior force. In reality an almost immediate hand-to-hand counterattack by initially a few brave warriors desperate to save their families prevented a massacre of the whole tribe. Chief Joseph was finally forced to "surrender" on October 5 1877, near the Canadian border after his surviving small band of warriors with elders, women and children to protect had been chased for almost two months by the US Army through Wyoming and Montana. When coming to a peace conference under a white flag during the almost five days of talks that preceded the "surrender," he was immediately arrested and put in chains. When subsequently released in trade for an Army officer captured by the Indians, he finally gave up fighting to save the lives of the starving and freezing women and children but did not surrender to General Howard, whom the Indians considered a killer of women and children. The Army, instead of honoring the "surrender" agreement with Chief Joseph (who decided to hold onto his heritage and not become a Christian), shipped him with his surviving followers like livestock in cattle cars and barges into exile to the most inhospitable places, which apparently continued the genocidal tendencies administered by the military in battle. There, more women, children and elderly died under inhumane conditions than were murdered during the war by the US Army.

But there were also many more thoughtful white people, even in the US Army, that opposed such atrocities as carried out by General Custer and were also attempted in his final defeat. They even tried to return legal human rights to the Indians such as the Supreme Court had already attempted in 1831 in opposition to President Jackson's anti-Indian land grabs. This was also the case in 1879 when General Crook, who had witnessed atrocities against the Indians during his service in the army, went to see the Pomas Indians at the jail guardhouse at Fort Omaha and was appalled by their pitiful conditions. He was impressed by Chief Standing Bear's simple statements of why he had left his reservation jail and had come back north to his homeland and his stoic acceptance of conditions of which he had lost control:

**“I thought God had intended us to live but I was mistaken. God intends to give the country to the white people, and we are to die. It may be well; it may be well.”** (*Wounded Knee* p. 359).

Backed by a now more secure but enlightened public and press that had become aware of the injustices and atrocities still being committed by the Army against the remnants of the Indians, General Crook silently found two courageous lawyers who took up the defense of Chief Standing Bear in an attempt to have him recognized as a human being under the law and return him to his homeland to die there as he wished.

**On April 18, 1879, courageous frontier Judge Dundy, in the case of *Standing Bear v. Crook*, then ruled that an Indian was a “Person” within the meaning of the habeas corpus act, that the right of expatriation was a natural, inherent, and inalienable right of Indians as well as the white race, and that in time of peace no authority, civil or military, existed for transporting Indians from one section of the country to another without the consent of the Indians, or confine them to any particular reservation against their will. While United States District Attorney Crook had argued that Indians were not persons and therefore had no legal rights, he did not appeal this decision to the Supreme Court because of the brilliant essay on human rights composed by Judge Dundy in his declaration** (*Wounded Knee* p.360).

Judge Dundy’s ruling essentially declared the concentration/reservation camp system illegal. However, General Sherman and the military complex, along with greedy politicians and entrepreneurs who were making fortunes on the reservation system through **cheating** the desperate Indians out of their livelihood necessities, found it easier to unmake such laws through their actions, such as initiating confrontations and wars, in order to perpetuate the reservation system rather than peaceful resolutions.

Grover Cleveland was another US president other than George Washington who believed that treaties made by the US government with Indians were inviolable legal documents and had to be honored. In the month before Cleveland’s inauguration as president in March 1885, outgoing president Arthur had apparently been deceived into quickly signing an executive order opening four million acres of Winnebago and Crow Creek Indian lands in the Dakota Territory to white settlers. Tens of thousands of settlers had therefore gathered at the border of these lands, preparing to take them over. However, within a month of taking office, Cleveland immediately rescinded Arthur’s executive order, ordering the settlers out of the territory. To make sure that his orders would be carried out, he sent in the Eighteenth Army troops to enforce the treaties and ordered General Sheridan to investigate the matter. This was a far cry from the self-serving refusal by President Jackson in the 1830s to not enforce the protection of Indian rights as directed by the Supreme Court, which subsequently led to the “Trail of Tears and Death” tragedies at the end and beyond his second term.

President Cleveland nevertheless made mistakes in dealing with the Indian causes and steeped them further into poverty. Believing in the idea of cultural assimilation, he supported the passage of the 1887 **Dawes Act** which broke up reservations and provided for distribution of Indian lands to individual members of tribes, rather than having them continued to be held in



trust for the tribes by the federal government. However, as already pointed out previously in Aston Teuer's *Atlas of Indian Nations* that while "...each family got a private allotment, two-thirds of the reservation land was opened up for white settlement. Most Indians (therefore) lost their private allotments over the years to land speculators and outright fraud."

The December 29, 1890, Massacre at Wounded Knee was the army's final public chapter of genocide committed against the Indians. The army in charge of the operation was Custer's former unit, still seething at the Lakota for the Battle of Little Big Horn that killed Custer before he could massacre the Indian women and children, as he was despised by the Indians for atrocities he had committed over the years to enhance his career. Colonel James Forsyth joined them on December 28<sup>th</sup>, 1890, bringing with them four multi-barrel rapid-fire Hotchkiss gun batteries that opened fire from two sides on the disarmed Indians the following day, indiscriminately killing Lakota women and children as well as US soldiers. Indians escaping by foot were hunted down by troops on horseback and killed even miles away from the camp. About 300-350 Indians were murdered or often mortally wounded. For such atrocities Forsyth was later promoted to major general and twenty soldiers received Medals of Honor (*Atlas of Indian Nations* p.141).

However, the pendulum of justice may be finally swinging towards addressing the grievances of Native Americans. The Lakota Sioux nation had never accepted the validity of the 1877 US seizure of their land and tried to reclaim their legal rights for over 100 years. Finally in 1980, they achieved a perhaps hollow victory when the United States Supreme Court, in ***United States v. Sioux Nation of Indians***, upheld an award of \$15.5 million for the 1877 market value of the land along with 103 years worth of interest at 5 percent, for an additional \$105 million. It was conveniently forgotten that from 1880 on the Black Hills gold mines yielded about \$4,000,000 annually, and the silver mines about \$3,000,000 annually. The Lakota Sioux, however, refused to accept the cash payment and instead demanded the return of their territory from the United States. But there were still round-about ways for the still largely ywhite-dominated US courts to circumvent this by claiming that monies have been expended and, as such, claim that the agreement is valid. Of course, like in previous occasions, not all members of a tribe or nation are in agreement and dispossessed tribal members, knowing that the United States has really never returned stolen land to the Indians, did file for and are awaiting a final decision by the Court to decide to issue the financial resources to tribal members.

In the meantime the United Nations, looking to clarify and protect the rights of indigenous people around the world, passed three different versions of such a declaration between 1994 and 2007, with a final version then passed by the UN General Assembly in 2007. But this final version was still watered down in favor of nation states rather than the rights of indigenous people as it would not have been accepted otherwise by them. Nevertheless, the United States, fearing perhaps an International scrutiny of the injustices committed against the Native Americans was one of only four countries out of 143 that refused to vote for its adoption.

Finally, in 2010 the United States, through the Obama administration, then also endorsed the United Nations Declaration on the Rights of Indigenous Peoples with President Obama

declaring “...While we cannot erase the scourges or broken promises of our past, we will move ahead together in writing an new, brighter chapter in our jinted history.” . Subsequently to this UN Special Rapporteur Anaya went on a fact finding mission in 2012, visiting tribal reservations in seven states. He also met with the Obama administration and the Senate Committee on Indian Affairs. He suggested that the United States initiate steps to help undue the legacy of oppression against Native Americans by for example, restoring the Black Hills which are largely a National Park, back to them so that it is not just a reminder of the subordination and domination of indigenous people in the US. This caused an uproar in the US news media since Mount Rushmore National Memorial is located in South Dakota’s Black Hills. Looked upon largely by the Indians as an insensitive depiction of the might and power of the white man on stolen Indian land is depicts 60-foot tall busts of four American presidents carved into the mountain face from 1927-1941, using dynamite to remove about 450,000 tons of hard granite. Perceived as a tourist attraction and a political statement Mount Rushmore is said to have become an iconic symbol of the United States and attracts over two million people annually few of them being aware of the tragic history of the area.

In September 2013 Anaya then presented his final, largely factual report on his findings to the U.N. Human Rights Council (UNHRC) in Geneva under the title “The situation of indigenous peoples in the United States of America”. He, however skirted the sensitive issues of returning stolen land to the Native Americans. The summary states:

“Indigenous peoples in the United States – including American Indian, Alaska Native and Native Hawaiian peoples – constitute vibrant communities that have contributed greatly to the life of the country; yet they face significant challenges that are related to widespread historical wrongs, including broken treaties and acts of oppression, and misguided government policies, that today manifest themselves in various indicators of disadvantage and impediments to the exercise of their individual and collective rights.”

**As to lands, Resources and Broken Treaties the report states:**

The conditions of disadvantage of indigenous peoples undoubtedly are not mere happenstance. Rather, they stem from the well-documented history of the taking of vast expanses of indigenous lands with abundant resources, along with active suppression of indigenous peoples’ culture and political institutions, entrenched patterns of discrimination against them and outright brutality, all of which figured in the history of the settlement of the country and the building of its economy.

Many Indian nations conveyed land to the United States or its colonial predecessors by treaty, but almost invariably under coercion following warfare or threat thereof, and in exchange usually for little more than promises of government assistance and protection that usually proved illusory or worse. In other cases, lands were simply taken by force or fraud. In many instances treaty provisions that guaranteed reserved rights to tribes over lands or resources were broken by the United States, under pressure to acquire land for non-indigenous interests. It is a testament to the goodwill of Indian nations that they have uniformly insisted on observance of the treaties, even regarding them as sacred compacts, rather than challenge their terms as inequitable.

In nearly all cases the loss of land meant the substantial or complete undermining of indigenous peoples’ own economic foundations and means of subsistence, as well as cultural loss, given the centrality of land to cultural and related social patterns. Especially devastating instances of such loss involve the forced removal of indigenous peoples from their ancestral territories, as happened for example, with the Choctaw, Cherokee and other indigenous people who were removed from their homes in the south-eastern United States to the Oklahoma territory in a trek through what has been called a “trail of tears,” in which many of them perished.

Another emblematic case involves the Black Hills in South Dakota, part of the ancestral territory of the Lakota people that, under the Treaty of Fort Laramie of 1868, was reserved to the Lakota and other tribes known collectively as the Sioux Nation. Following the discovery of gold in the area, in 1877 Congress passed an act reversing its promise under the treaty and vesting ownership of the Black Hills to the Government. The Lakota and other Sioux tribes have refused to accept payment required in accordance with a 1980 Supreme Court decision and continue to request the return of the Black Hills; this is despite the fact that the people of these tribes are now scattered on several reservations and are some of the poorest among any group in the country. Today, the Black Hills are national forest and park lands, although they still hold a central place in the history, culture, and worldviews of surrounding tribes and at the same time serve as a constant visible reminder of their loss.

The United States rejected many of the findings of the report as it can or will not undue some of the past wrongs such as returning land but pointed to an increase in its proposed federal budget pertaining to items such as health insurance in attempting to raise the living standard of the almost 4.5 million Native Americans, many of which still live in great poverty because of post policies of discrimination enacted by the government.

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### **Might makes Right?**

In summary it can be said that the USA became a rich and powerful country through its (military and political) motto of MIGHT MAKES RIGHT by cleansing the country of the Indians as was done in Colorado with the theft of the Utes' rich hunting, grazing, farming, and mining land that unfortunately also contained silver and gold.

We must understand that history was written and holidays put in place and celebrated by the Anglo-Saxon race starting with Thanksgiving. The English pilgrims that landed at Plymouth in 1620 would not have survived the first harsh winter without the generosity of local Indians. However, within five years the new settlements began crowding on each other in the white man's New England, and they demanded another 12,000 acres from their then-Indian friends. Forty years later the Indians were pushed even further back into the hills where by 1675 they started a war to save their tribes from extinction by the white colonists. As was already the custom during the Spanish and later conquests which ruthlessly reduced the Native American population of South America from about 20 million to 2 million within just a few generations, captured Indian women and children not killed were sold into slavery in the West Indies while scalping was common and heads of captured chiefs were publicly exhibited as was done in Plymouth for several decades. Indians rarely killed women and children during their internal wars but rather incorporated them into their tribes, apparently to enhance their genetic diversity, but occasionally also used them as slaves.

The Dutch also committed crimes against humanity after coming to Manhattan Island. By 1641 they instigated wars with the local Indians, raiding entire villages during the night, bayoneting men, women, and children and hacking their bodies to pieces.

Several hundred years later we see that similar atrocities against the Indians as well as the theft of their land were not only ongoing but ever-increasing. When Andrew Jackson became

president in 1829 he could look back on a successful frontier career in which he and his soldiers had successfully slain thousands of Cherokees, Chickasaws, Choctaws, Creeks, and Seminoles that undoubtedly helped him to get elected. However, still too numerous to contend with, one of his first actions was to propose that all these Indians tribes be moved westward along a permanent Indian frontier. But these first Indian treaties became just some of many if not all of the white man's treaties with the Indians that were abrogated when the white man pushed further west and desired their land under threat of war and genocide.

To justify their "Might Makes Right" policy, overthrow of their self-declared permanent Indian frontiers, constant breaking of previous legal Indian treaties as well their crimes against humanity such as the war of attrition waged against the Indians, the Washington politicians invented the doctrine of Manifest Destiny. It meant that the white Europeans and their descendants were ordained by Godly destiny to rule America and beyond. This doctrine of Manifest Destiny was then expanded into the Pacific to help justify the overthrow of the Hawaiian Kingdom and further colonial expansion across the Pacific as they were the dominant race and had the fire power.

**Chief Sitting Bull "It is not necessary for Eagles to be Crows. We are poor...but we are free. No white man controls our footsteps. If we must die...we die defending our rights (and freedom)."**

## Appendix

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