

■ Treaty of Fort Laramie

Date: April 29, 1868

Author: Indian Peace Commission

Genre: Treaty

Summary Overview

The Treaty of Fort Laramie (1868) was an agreement between the United States and various bands of Lakota Sioux, Yanktonai Sioux, Santee Sioux, and Arapaho. The treaty ended Red Cloud's War (1866–1867), established the boundaries of the Great Sioux Reservation, and protected Sioux hunting grounds and the sacred Black Hills from white encroachment. Other provisions of the Treaty of Fort Laramie served as agents of assimilation by trying to induce the Indians to take up farming, wear non-Indian clothing, and educate their children.

The Treaty of Fort Laramie was one of the last great treaties signed between the American government and the Plains Indians. Despite the peaceful intentions of the treaty, the unwillingness of the federal government to live up to its stipulations and the inability of the signing tribes to enforce the treaty on all their members resulted in the Great Sioux War (also known as the Black Hills War) of 1876–1877 and the eventual removal of the Black Hills from Lakota ownership.

Defining Moment

The United States acquired the Great Plains via the Louisiana Purchase of 1803. The region was largely ignored until the 1840s. Beginning in the 1840s, however, overland emigrants began traveling through Plains Indian hunting grounds. The discovery of gold in California in 1848 opened the floodgates, and over the next few decades almost 500,000 people traversed the plains on their way to the Pacific Coast. The Plains Indians felt this increased traffic through the depletion of vital resources such as bison. More tragically, epidemic diseases such as cholera and smallpox were spread to the Plains Indians. Naturally, tribes such as the Lakota and Cheyenne attempted to protect their homeland.

By the summer of 1867 American civilian and military authorities were at odds over what had become known as the “Indian problem.” Military leaders such as General William Tecumseh Sherman firmly believed that the

warring tribes must be militarily subdued and that only a thorough defeat of the Plains Indians would bring peace. On the other hand, an emerging reform movement that would evolve into President Ulysses S. Grant's “peace policy” began placing the blame for hostilities on the federal government and therefore sought a negotiated peace rather than the forced peace the military preferred.

After treating with the Southern Plains tribes, the commission moved back to negotiations with the Northern Plains tribes at Fort Laramie. On April 29, 1868, twenty-five chiefs and headmen of the Brulé Lakota signed the Treaty of Fort Laramie. A month later, thirty leaders among the Oglala also signed the treaty. Red Cloud, however, refused to come in and talk, and without his signature the work of the commission would have been considered a failure. Finally, when Red Cloud received word that the Bozeman Trail would be closed and the Powder River military posts would be abandoned, he, along with Lakota chiefs from the Hunkpapa, Blackfeet, Cuthead, Two Kettle, and Sans Arc tribes signed the Treaty of Fort Laramie. Noticeably missing were the signatures of the staunch Lakota nationalists Crazy Horse of the Oglala and Sitting Bull of the Hunkpapa. The failure to obtain the signatures of all Lakota leaders would create friction in the near future.

Author Biography

Members of the Indian Peace Commission most likely authored the Treaty of Fort Laramie. A government investigation into Indian affairs in the wake of the Fetterman massacre concluded that the recent hostilities were the result of flagrant treaty violations by the government. As a consequence, Congress interjected itself and created the Indian Peace Commission in July 1867. President Andrew Johnson ordered the commission to negotiate with the warring tribes, bring an end to hostilities, and concentrate the tribes on one of several large reservations in the western half of modern-day South

Dakota and Oklahoma. The commission was headed by the commissioner of Indian affairs Nathaniel G. Taylor, who was also a Methodist minister, lawyer, and close personal friend of President Johnson's. It would be his job to rein in the veteran military officers who also served on the commission: General Sherman along with the generals William S. Harney, Alfred H. Terry, and C. C.

Auger. Other civilian members included Samuel F. Tappan, a leading reformer and former abolitionist; John B. Sanborn; and J. B. Henderson. Sanborn stood out among the Sioux as being an important part of the treaty negotiations. Harney was well known to the Lakota. Known as "Mad Bear" in Lakota culture, Harney had attacked Little Thunder's Brulé village in 1855.

HISTORICAL DOCUMENT

Articles of a Treaty Made and Concluded by and between Lieutenant General William T. Sherman, General William S. Harney, General Alfred H. Terry, General O. O. Augur, J. B. Henderson, Nathaniel G. Taylor, John G. Sanborn, and Samuel F. Tappan, duly appointed commissioners on the part of the United States, and the different bands of the Sioux Nation of Indians, by their chiefs and headmen, whose names are hereto subscribed, they being duly authorized to act in the premises.

Article I.

From this day forward all war between the parties to this agreement shall for ever 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; and the President, on advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as in his judgment may be proper, but no one sustaining loss while violating the provisions of this treaty, or the laws of the United States, shall be reimbursed therefor.

Article II.

The United States agrees that the following district of country, to wit, viz: commencing on the east bank of the Missouri river where the 46th parallel of north latitude crosses the same, thence along low-water mark down said east bank to a point opposite where the northern line of the State of Nebraska strikes the river, thence west across said river, and along the northern line of Nebraska to the 104th degree of longitude west from Greenwich, thence north on said meridian to a point where the 46th parallel of north latitude intercepts the same, thence due east along said parallel to the place of beginning; and in addition thereto, all existing reservations of the east bank of said river, 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 III.

If it should appear from actual survey or other satisfactory examination of said tract of land that it contains less than 160 acres of tillable land for each person who, at the time, may be authorized to reside on it under the provisions of this treaty, and a very considerable number of such persons shall be disposed to commence cultivating the soil as farmers, the United States agrees to set apart, for the use of said Indians, as herein provided, such additional quantity of arable land, adjoining to said reservation, or as near to the same as it can be obtained, as may be required to provide the necessary amount.

Article IV.

The United States agrees, at its own proper expense, to construct, at some place on the Missouri river, near the centre of said reservation where timber and water may be convenient, the following buildings, to wit, a warehouse, a store-room for the use of the agent in storing goods belonging to the Indians, to cost not less than \$2,500; an agency building, for the residence of the agent, to cost not exceeding \$3,000; a residence for the physician, to cost not more than \$3,000; and five other buildings, for a carpenter, farmer, blacksmith, miller, and engineer—each to cost not exceeding \$2,000; also, a school-house, or mission building, so soon as a sufficient number of children can be induced by the agent to attend school, which shall not cost exceeding \$5,000.

The United States agrees further to cause to be erected on said reservation, near the other buildings herein authorized, a good steam circular saw-mill, with a grist-mill and shingle machine attached to the same, to cost not exceeding \$8,000.

Article V.

The United States agrees that the agent for said Indians shall in the future make his home at the agency building; that he shall reside among them, and keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint by and against the

Indians as may be presented for investigation under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined on him by law. In all cases of depredation on person or property he shall cause the evidence to be taken in writing and forwarded, together with his findings, to the Commissioner of Indian Affairs, whose decision, subject to the revision of the Secretary of the Interior, shall be binding on the parties to this treaty.

Article VI.

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.

For each tract of land so selected a certificate, containing a description thereof and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it, by the agent, after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Sioux Land Book."

The President may, at any time, order a survey of the reservation, and, when so surveyed, Congress shall provide for protecting the rights of said settlers in their improvements, and may fix the character of the title held by each. The United States may pass such laws on the subject of alienation and descent of property between the Indians and their descendants as may be thought proper. And it is further stipulated that any male Indians

over eighteen years of age, of any band or tribe that is or shall hereafter become a party to this treaty, who now is or who shall hereafter become a resident or occupant of any reservation or territory not included in the tract of country designated and described in this treaty for the permanent home of the Indians, which is not mineral land, nor reserved by the United States for special purposes other than Indian occupation, and who shall have made improvements thereon of the value 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. Upon application in writing, sustained by the proof of two disinterested witnesses, made to the register of the local land office when the land sought to be entered is within a land district, and when the tract sought to be entered is not in any land district, then upon said application and proof being made to the Commissioner of the General Land Office, and the right of such Indian or Indians to enter such tract or tracts of land shall accrue and be perfect from the date of his first improvements thereon, and shall continue as long as he continues his residence and improvements and no longer. 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 VII.

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 Eng-

lish 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 VIII.

When the head of a family or lodge shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, not exceeding in value one hundred dollars, and for each succeeding year he shall continue to farm, for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid, not exceeding in value twenty-five dollars. And it is further stipulated that such persons as commence farming shall receive instruction from the farmer herein provided for, and whenever more than one hundred persons shall enter upon the cultivation of the soil, a second blacksmith shall be provided, with such iron, steel, and other material as may be needed.

Article IX.

At any time after ten years from the making of this treaty, the United States shall have the privilege of withdrawing the physician, farmer, blacksmith, carpenter, engineer, and miller herein provided for, but in case of such withdrawal, an additional sum thereafter of ten thousand dollars per annum shall be devoted to the education of said Indians, and the Commissioner of Indian Affairs shall, upon careful inquiry into their condition, make such rules and regulations for the expenditure of said sums as will best promote the education and moral improvement of said tribes.

Article X.

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 woollen clothing, consisting of coat,

pantaloons, 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 woollen 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 woollen hose for each.

And in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent each year to forward to him a full and exact census of the Indians, on which the estimate from year to year can be based.

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 if within the 30 years, at any time, it shall appear that the amount of money needed for clothing, under this article, can be appropriated to better uses for the Indians named herein, Congress may, by law, change the appropriation to other purposes, but in no event shall the amount of the appropriation be withdrawn or discontinued for the period named. And the President shall annually detail an officer of the army to be present and attest the delivery of all the goods herein named, to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery. 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 the, 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 XI.

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:

1st. That they will withdraw all opposition to the construction of the railroads now being built on the plains.

2d. That they will permit the peaceful construction of any railroad not passing over their reservation as herein defined.

3d. 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.

4th. They will never capture, or carry off from the settlements, white women or children.

5th. They will never kill or scalp white men, nor attempt to do them harm.

6th. They withdraw all pretence 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.

7th. 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 XII.

No treaty for the cession of any portion or part of the reservation herein described which may be held in common, shall be of any validity or force as against the said Indians unless executed and signed by at least three-fourths of all the adult male Indians occupying or interested in the same, and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him as provided in Article VI of this treaty.

Article XIII.

The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths, as herein contemplated, and that such appropriations shall be made from time to time, on the estimate of the Secretary of the Interior, as will be sufficient to employ such persons.

Article XIV.

It is agreed that the sum of five hundred dollars annually for three years from date shall be expended in presents to the ten persons of said tribe who in the judgment of the agent may grow the most valuable crops for the respective year.

Article XV.

The Indians herein named agree that when the agency house and other buildings shall be constructed on the

reservation named, they will regard said reservation their permanent home, and they will make no permanent settlement elsewhere; but they shall have the right, subject to the conditions and modifications of this treaty, to hunt, as stipulated in Article XI hereof.

Article XVI.

The United States hereby agrees and stipulates that the country north of the North Platte river and east of the summits of the Big Horn 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.

Article XVII.

It is hereby expressly understood and agreed by and between the respective parties to this treaty that the execution of this treaty and its ratification by the United States Senate shall have the effect, and shall be construed as abrogating and annulling all treaties and agreements heretofore entered into between the respective parties hereto, so far as such treaties and agreements obligate the United States to furnish and provide money, clothing, or other articles of property to such Indians and bands of Indians as become parties to this treaty, but no further.

In testimony of all which, we, the said commissioners, and we, the chiefs and headmen of the Brule band of the Sioux nation, have hereunto set our hands and seals at Fort Laramie, Dakota Territory, this twenty-ninth day of April, in the year one thousand eight hundred and sixty-eight.

GLOSSARY

abrogating: repealing or canceling

alienation: the transference of property such as land to another

annulling: voiding, nullifying, or canceling

cession: the act of surrendering or transferring

Greenwich: Greenwich, England, located on the prime meridian

Land Book: a book held by the government agent that listed the legal boundaries of all allotments taken out by Indian farmers

lodge: a household or family unit among the Plains Indians

meridian: an imaginary line passing through the poles at right angles to the equator

Document Analysis

Article I ended Red Cloud's War. In an attempt to guarantee peace, the United States agreed to arrest and prosecute any whites who violated the person or property of the Indians. Had the government lived up to the provisions of this treaty and had the signing tribes been able to enforce the treaty on all its members, warfare might have been avoided. Unfortunately, the discovery of gold in the Black Hills would spark warfare just eight years later.

Article II created and delineated the boundaries of the Great Sioux Reservation. Non-Indians, except for government agents, civilian employees, and military officials in the discharge of duty, were prohibited from entering or settling on the reserve. Finally, the tribes signing this treaty agreed to "relinquish all claims" to territories not outlined in Article II.

Article III provided for the expansion of the Great Sioux Reservation if not enough land was available for every qualified Indian to have 160 acres of tillable land.

Articles IV-IX were designed to promote the development of American-style family farms among the Native American tribes of the plains. By providing land to those who wanted it (land that would be removed from control of the tribe), the federal government was able to weaken the cohesion of these tribes. Article VII provided for public education for children, however, eventually, the Indians were induced to send their children to off-reservation boarding schools in faraway locales, such as Carlisle Indian Industrial School in Pennsylvania.

In what would become a contentious requirement outlined in Article X, the government agent was required to conduct an annual census. The government desired a census in order to provide an accurate count for annuity-

distribution purposes. The Indians, however, viewed the census as a means to reduce their annuities.

Article XI was one of the most important, and misunderstood, parts of the treaty. The Indians signing the treaty agreed to surrender their rights to all land outside the stipulated reservation boundaries. The wording, however, linked this to a sufficient amount of game. With the buffalo all but extinct by the late 1870s, the Lakota became trapped within the boundaries of the reservation. The article also eliminated native opposition to railroads and they agreed to halt violence to people or property of the United States.

Article XII would cause the federal government some misgivings in the future. This article required that any future land cession would need the signatures of at least three-fourths of all adult Indian males. When the federal government wanted to remove the Black Hills from the Great Sioux Reservation in the aftermath of the Sioux War of 1876–1877, commissioners could not get the requisite number of signatures and, in fact, did not even try. Using graft, or simply ignoring Article XII, a federal commission obtained the signatures of several chiefs and headmen among the Oglala and Brulé Lakota bands and simply removed the Black Hills from the Great Sioux Reservation in 1877.

In Article XII the federal government agreed to provide and fund for the agency the positions of blacksmith, carpenter, engineer, farmer, miller, teachers, and physician. The men and women who filled these positions were intended to introduce Indians to and teach them the necessary skills to become "Americanized."

Article XIV was used as an incentive to induce Indians to take up farming. Each year for a period of three

years, \$500 in presents would be distributed among the ten most productive farmers, as selected by the agent.

Article XV reinforced Article XI by stating that once the agency headquarters and related buildings were constructed, the Indians would consider the reservation their permanent home.

Lakota leaders such as Red Cloud probably found Article XVI the most satisfying. To get Red Cloud to sign the treaty, the federal government agreed that within ninety days of the signing of the treaty, all the military forts in this region and along the Bozeman Trail would be abandoned. In many ways, Article XVI recognized the Lakota as victors in Red Cloud's War. They went to war with the United States with the purpose of closing emigration through the Powder River country and getting rid of the hated military posts. In this, Red Cloud and the Lakota succeeded. Many historians point to this victory as the only war won by Native Americans in the long history of Indian-American conflict. Article XVI also reiterates the boundaries of the unceded hunting grounds. The land north of the North Platte River and east of the summits of the Bighorn Mountains (including the Black Hills) would be reserved Indian hunting grounds. Moreover, all white persons were forbidden to enter this territory without the permission of Indians.

Finally, Article XVII nullified all existing treaty stipulations in relation to the payment of moneys, food, clothing, and annuities. The Treaty of Fort Laramie of 1868 superseded all other agreements.

Essential Themes

With the Treaty of Fort Laramie, the federal government wanted to end Red Cloud's War and protect American interests such as the transcontinental railroad. In order to get the required signatures, treaty commissioners agreed to provisions they never really intended to uphold. The government probably never intended that the Lakota Sioux would always own the entire Great Sioux Reservation. Thus, it was always necessary to break treaties or amend old treaties. In short, the federal government never viewed a treaty signed with Indians in the same way as it would a treaty signed with a foreign nation. The treaty was an agreement between unequals that could be changed, altered, or abrogated at the federal government's expediency.

Despite the regrettably fluid nature of the boundaries of Indian land under the Treaty of Fort Laramie and other treaties like it, portions of the treaty would have significance in coming years. This treaty was only one

step in the quest by the federal government to disrupt and, ultimately, end the tribal way of life practiced by the plains tribes. The treaty provisions that granted individual plots of land, offered prize money for the most efficient farms and allowed for the education of the tribes' children would be expanded on in the future (see "The Dawes Severalty Act").

—Mark R. Ellis, PhD

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