

OPPRESSORS, POWER, AND TEARS:
A HISTORY OF WHITE CONTROL OF CROW LANDS

A Paper

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by
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And behold the tears of such as were oppressed, and they had no comforter; and on the side of their oppressors there was power.

Ecclesiastes 4:1

TABLE OF CONTENTS

INTRODUCTION.....	1
LAND AND THE CROW WAY.....	5
HISTORY OF WHITE CONTROL OF CROW LANDS.....	16
WHITE CONTROL OF CROW LANDS TODAY.....	46
CONCLUSION.....	69
BIBLIOGRAPHY.....	75

INTRODUCTION

On November 18, 1985, Dr. C. Adrian Heindenrieck, Ph.D. testified before the United States District Court at Billings, Montana (Windy Boy 1985, Exh. 161,162). An expert on the culture of the Crow Indians, and their interaction with whites, he testified that whites have been oppressing Crows for the past one hundred and twenty years. He described six ways by which discrimination is practiced, naming, avoidance, lack of recognition and respect, racial and cultural prejudice, direct competition and conflict over resources, political and economic control, and structural conflict between cultures (Ibid. p. 24). His testimony, with an extensive declaration, transcribed into over one hundred pages. Out of all his research, observations, and experience, he declared that the "single most persistent tensions between Indians and non-Indians has been over land and the resources on or under it" (Ibid., 31).

Such a declaration is not surprising, in light of a review of the views of both the whites and Crows on the subject of land. Maybe Curley, the Crow scout who rode with Custer, best described the way Crows feel about whites taking their beloved "Crow Country" when he refused to agree to cede Crow lands to the government saying:

The soil you see is not ordinary soil--it is the dust of the blood, the flesh and the bones of our ancestors. We fought and bled and died to keep other Indians from

taking it, and we fought and bled and died helping the Whites. You will have to dig down through the surface before you can find nature's earth, as the upper part is Crow.

The land as it is, is my blood and my dead; it is consecrated; and I do not want to give up any portion of it (Seton 1936, 58-59).

Whites like Granville Stuart, one of the founding fathers of the State of Montana, trespassed onto Crow lands in 1880, in search of grass for his cattle empire. Viewing the lush grasses, and numerous streams of water of Crow Country, he recorded for his journal his view that he would later publish: "This would be an ideal cattle range but it is on the Crow Indian reservation consequently out of the question" (Stuart [1925] 1977, 122). That is what he would have the public believe, that he was entirely honorable and obedient to law, but his journal did not record exactly what he had in mind. When he saw Crow land, he not only liked what he saw, he wanted it. He, and many other whites had, for many years prior to his trespass tour, been "working" towards the take over of Crow land. For example, see the resolution of the territorial legislature of Montana, objecting to the eight million acre reservation for Crows to be created by the Treaty of Fort Laramie of 1868, resolving that such lands for Crows would "arrest the tide of empire in territories" (Montana, Laws of 1867, Session, 4, pp. 273-279). By 1885 Stuart was the Montana delegate to the National Stock Grower's Association which held its meetings in Chicago during

November of that year. There he introduced, and secured passage of, a resolution which he described as follows:

Disarm and dismount the Indians. Give them land in severalty with title inalienable for fifty years. Sell all of their surplus land to actual settlers, thus intermixing them with the whites, where they would learn to be self-supporting in a single generation by force of example, contact, and stern necessity.

From the sale of lands create a fund to start them in life and aid them for a few years. Reduce them from being foreign nations to the level of all other citizens.

Protect them fully in their rights of person and property and punish them for their crimes precisely as all other citizens are protected and punished.

Had this been done it would have solved the much vexed Indian question and from ignorant pauper thieves they would in time become self-supporting American citizens, for they lack neither brains nor muscle if compelled to use them (Stuart [1925] 1977, 122).

Stuart was not dumb. He knew that the Crows then held eight million acres. There were no more than 400 head men of families. Even if each Crow family received a thousand acres, there would still be 7,600,000 acres left for the whites. He also knew that a little whiskey would probably "buy" back even the remainder, "fair and square."

His plan did not quite materialize, at least not as he proposed in Chicago. But, by various means, whites have virtually taken the whole reservation. Principally by leasing, non-Crows today, 1989, control approximately 2.1 million acres of the 2.2 million acre reservation that remains after numerous

cessions made under white pressure during the period from 1868 to 1937. Thus, whites control 95% of Crow lands (United States Department of the Interior, BIA, Branch of Real Property Management, Annual Report of Caseloads, Acreages under BIA and Surface Leasing, December, 31, 1988; See also Missouri River Basin Investments Project 1963, Report No. 139 and 170).

With control of the land comes power--political, economic, and social--over the people on that land, a fact that is well documented, as for example, by the work of Angie Debo, And Still the Waters Run, which describes the ruthless taking of the lands of the five civilized tribes of Oklahoma (Debo 1940, ix-xii). Another example is described by the title of the book, Land and Power In Hawaii: The Democratic Years, by George Cooper and Gavan Davis (Cooper 1985, 35, 446). Whites have terrible power over the lives of Crows.

How did they gain such power? Is this acceptable to the Crows? Should the balance of power change? Can it be changed? How? Unfortunately, this paper will not answer all these questions. However, it is hoped that it will answer some of them and work on others. It will trace ethnohistory pertaining to the place of land in the Crow culture, describe the history of white tactics used to control Crow lands, and demonstrate the existence and use of those same methods today. Finally, it will draw from the examination of white methods of control, some recommendations for measures Crows can take to re-gain control of their lands.

LAND AND THE CROW WAY

1989 counts show there are about 8,000 enrolled Crows, of which 7,500, or about 93%, live on the reservation, Crow Country.

This is quite remarkable, considering that efforts of the government and others to acculturate and urbanize them have been in place for over one hundred years. Stories abound of the successful Crow athlete who leaves the reservation to play basketball at a large university in September but, as the whites say, "goes back to the blanket" by October. Whites wonder why Crows prefer to live in shacks, with no jobs, and go to pow wows; or why they stay so relaxed, go to sweats, and visit relatives daily; why they say their land is important to them, but they don't want it "developed." To whites this is all foreign to their own thinking; that is understandable. It is not understandable, nor is it acceptable, that intelligent, educated whites label Crow desires for the reservation life as throw backs to barbarism, and devise elaborate plans, lobby for, and spend their money to try to destroy the Crow way of life. Such thinking is prejudice in its proper sense, pre-judgment without understanding.

Maybe whites need to think more on the words of the founder of their Western religion, Christianity. Pilot asked Jesus if he sought to set himself up as King of the Jews and overthrow the

constituted government. Jesus answered (John 18:36) "My kingdom is not of this world." Something similar could be said of the Crow "kingdom" or nation, and the relationship between the land and its people. They do not see the world as whites do, especially white "Christians." Whites of such faith, orient themselves in the world by their place in time, in history, and in terms of significant dates, such as the "judgment day" and the punishments or rewards they believe will come with it. They know that such a day is coming, but can describe little about "heaven" and "hell," the places involved. They are oriented to time, not space (Deloria [1973] 1975, 75). Indians generally, and Crows particularly, on the other hand, do not think in terms of time, as much as of space. Their "heaven" is not somewhere on a time line of history, but is a place, a sacred piece of ground. The land is part of their national identity (Ibid., 166). A land loss is a loss of identity (Ibid., 163). As the Crow anthropologist and historian, Joe Medicine Crow, has said, "It [land] was, to the Indian, life itself (1939, 12). In fact, to them, their is a "divinely destined fit between this people and this place" (Nabokov 1988, 358), between themselves and their land.

Better understanding of this relationship comes from the Crow origin story. At least four versions are told (Ibid., 111). They do not differ as to any element important for present purposes. The version told by Henry Old Coyote (now deceased) on August 5, 1983 and as reported by Nabokov will be told here (Ibid., 119).

A shortened version is as follows. At some time between 1500 and 1700 an Hidatsa father, then living somewhere in the midwest, Minnesota or Wisconsin, called in his two sons, No Vitals, and Red Scout, and told them to go on a vision quest. They did so. After four days of fasting and prayer at a sacred place, they shared with each other their visions received. No Vitals, being the older, spoke first, and told how the "force" or spirit that visited him instructed him to "go toward the mountains; that he would find a seed to be known as the sacred tobacco. By adopting that way he would be given further instructions after he found the plant and that his life would be of a hunter and warrior, and that he was to take his followers and come toward the Mountains, that he would fare well if he did that" (Ibid.,121)

Red Scout's vision told him to stay in one place and till the soil. The sons reported their visions to their father, who agreed that their stories had both come from "some force." He declared that the camp of their people should divide to fulfill the destinies foretold. This was done.

No Vitals and those who followed him then went on an odyssey that lasted for a number of years. They traveled a path the shape of great circle over the Western United States going from Minnesota to Canada, to Utah, to Oklahoma, and then back north to Wyoming and Montana. Their wanderings ended when No Vitals found the promised sacred seeds at the foot of the Big Horn Mountains,

near Big Horn, Wyoming. "That's how we became Crows," said Old Coyote, as he finished the story (Ibid., 122).

No Vitals was taught by the force how to plant the sacred seeds each year, how to conduct ceremonies to be performed at the time of the planting, and how to celebrate the adoption that had occurred between this force, the tobacco, the land, and the Crow people. These are the tobacco society planting and adoption ceremonies. Nabokov's doctoral dissertation for the University of California, Berkeley, asserts forcefully that there is a welding link, of the strongest kind, between the Crow people, visions, tobacco, and Crow Country. They obtained their identity, nationalism, and unity, from the story, which firmly places at its center the concept that the sacred land, Crow Country, the area surrounding the Big Horn River and Mountains, has a sacred connection to another sacred thing-- themselves. Thus, by the ceremony of planting, cultivating, harvesting, and adopting the sacred plant, they symbolize the planting, cultivating, harvesting and adopting of themselves, orphans who wandered through out the west, until they were adopted by, and nurtured by their sacred land, Crow Country. Thus, the concept of a chosen people and a promised land (Ibid., 351). The strength of the power of the story, ceremony, and symbols, in establishing identity for these people, can not be overstated. A number of statements that reinforce, even though lengthy, ought to be made to illustrate.

In 1885, Henry J. Armstrong, the government agent of the

Crows, reported to the Secretary of the Interior, "I do not think there is any Crow Indian who feels that he needs to be saved. They think they are the chosen people (Annual Report 1885)." Iron Bull, after drawing a circle on the ground for Father Prando, missionary to the early reservation Indians, indicating points around the circle, located the place of the Sioux, Piegans, Snakes, Flatheads, and others. Then placing the Crow in the middle, he said, "The Great Spirit put us right in the middle of the earth, because we are the best people in the world." (Prando to Cataldo, 26 September 1883, Gonzaga College Jesuit Archives, page 5 of translation by Paul Gehl, Newberry Library, Chicago, courtesy of Dr. Fredrick E. Hoxie, Director, McNickle Center for Indian History, Newberry Library, Chicago, as cited in Nabokov 1988, 359) And on another occasion he said it another way to William Clark (1885, 137) saying that the Great Spirit founded Crow Country for the Crows: "This is your country; the water is pure and cold; the grass is good. It is a fine country, and it is yours'. I made all this country round you. I have put you in the center. I have put these people round you as your enemies. They will fight you and keep fighting you, until you are greatly reduced in numbers, and then I will come and help you."

Again, a statement of Sees-the-living-bull to S.C. Sims (1903, 282) attributed to Old-Man talking to the first proto-Crow, "The land I gave you is the best of lands made by me and

upon it you will find everything you need--pure water, vegetation, timber, game, etc. I have put you in the center of it and I have put people around you as your enemies. If I had made you in large numbers you would be too powerful and would kill the other people I have created. You are few in number but you are brave" (Nabokov 1988, 360).

And the statement of Rotten Belly to Robert Campbell of the Rocky Mountain Fur Company, reported by Captain Bonneville through Washington Irving (Irving [1837] 1961, 164) as follows:

"Crow Country is a good country. The Great Spirit put it exactly in the right place. While you are in it you fare well. Whenever you are out of it, which ever way you travel, you fare worse.

If you go to the south, you have to wander over great barren plains; the water is warm and bad, and you meet the fever and ague.

To the north it is cold; the winters are long and bitter, with no grass; you cannot keep horse there, but must travel with dogs. What is a country without horses?

On the Columbia they are poor and dirty, paddle about in canoes, and eat fish. Their teeth are worn out; they are always taking fish-bones out of their mouths. Fish is poor food.

To the east, they dwell in villages; they live well; but they drink the muddy water of the Missouri--that is bad. A Crow's dog would not drink such water.

About the forks of the Missouri is a fine country; good water; good grass; plenty of buffalo. In summer, it is almost as good as Crow Country; but in winter it is cold; the grass is gone; and there is no salt weed for the horses.

Crow Country is exactly in the right place. It has snowy mountains and sunny plains, all kinds of climate and good things for every season. When the Summer heats scorch the prairies, you can draw up under the mountains, where the air is sweet and cool, the grasses fresh, and bright streams come tumbling out of the snowbanks. There you can hunt elk, the deer and the antelope, when their skins are fit for dressing. There

you will find plenty of white bear and mountain sheep.

In the Autumn, when your horses are fat and strong from the mountain pastures, you can go into the plains and hunt the buffalo, or trap beaver on the streams. And when Winter comes on, you can take shelter in the woody bottoms along the rivers. There you will find buffalo meat for yourselves, and cottonwood bark for your horses. Or you may winter in Wind River Valley, where there is salt weed in abundance.

Crow Country is exactly in the right place. Everything good is to be found there. There is no place like Crow Country."

Finally, the words of Plenty Coos, to his biographer Linderman, (called by the chief, Signtalker) pleading with the white man not to take the lands of the Crow:

We love our country because it is beautiful, because we were born here. Strangers will covet it and some day try to possess it, as surely as the sun will come tomorrow. Then there must be war, unless we have grown to be cowards without love in our hearts for our native land. And whenever war comes between this country and other you people [whites] will find my people pointing their guns with yours. My heart sings with pride when I think of the fighting my people, the red men of all tribes, did in this last great war; and if ever the hands of my own people hold the rope that keeps this country's flag high in the air, it will never come down while an Absarokee warrior lives.

Remember this, Sign-talker, and help my people keep their lands. Help them hold forever the Pryor and Big Horn mountains. They love them as I do and deserve to have them for the help they have given the white man, who now owns all (Linderman [1930] 1962, 307,308).

What do all these statements mean? Professor Rennard Strickland, of the University of Wisconsin Law School, a national authority on Indian law and a Cherokee, a nation and people also very endeared to their lands, tells the story of his law

professor at the University of Virginia, who taught there were two kinds of societies in the world, what he called the apple and orange societies. The United States, a orange society, divides its parts, such as religion and government, into sections that can be easily separated and considered apart from the rest of the whole. But Indian societies make no separation; like the apple, no part can be separated from the whole; they are all part of each other.

No better example of an apple society could found than the Crow. The ways they think about government, law, religion, social ties, family, and land, are all inter-connected so tightly that one can not be discussed without the other. Medicine Crow's statement that to the Crow, land is life, is a statement indicating the inseparability of Crows from their land.

What is the signifance of this fact, in terms of modern real property law and the issues that Crows face today relating to their land? At least six statement can be made.

First, the Crows saw, and still see, themselves as a nation. They see themselves as one chosen people divinely assigned to a chosen land. As discussed above, their government, families, ceremonies, visions, virtually all their institutions and ways of thinking tie themselves to their land. As will be shown in the next section, they have tried to deal with the whites from that position. Whites have a hard time, not only in accepting the idea that there is a Crow Nation, but that there is a Crow

people. They look right through the Crow as if they were not there and ask for the price of the land, and if it is not for sale, they look for a way to condemn it, have Congress take it, or devise other ways of control, never taking account of Crow claims, or more important, they virtually deny Crow identity as a distinct people.

Second, Crows are, as Nabokov said, "fiercely territorial (1988, 406)." Today that takes on the rhetoric of the words "sovereignty," "jurisdiction," and "self-government." Anciently, it centered in the dominant themes of Crow institutions, war and territorial protection. As Red Bear said to Captain Reynolds in 1859, "We are a small tribe with the Sioux on one side and the Blackfoot on the other. We wish to be friends with the white men and you may trade with us or go through our country. But we do not want you to build houses here." (Billings Gazette, n.d. Billings Public Library, Montana Room, Crow file, Billings, Montana)

Third, when their numbers, or powers are weak, Crows are good diplomats. They readily make alliances to save their country. Katherine M. Weist wrote an extensive and convincing defense of this thesis, published by the Western Canadian Journal of Anthropology (Weist 1977, 34).

Fourth, Crows have a clear idea of reciprocity in dealings, both individually and as a nation. Nabokov documents this well (Nabokov 1988, 152). They expect to receive, and to give, things of comparable value in an exchange with others. Their

history included successful trading before the white man came (Hoxie 1989b, 50-53). If allowed to barter in a free market, without coercion, restraint of trade, and other artificial and illegal devices, they have demonstrated that they are very capable of benefiting trading partners as well as their own people.

Fifth, contrary to white gossip and street talk, Crows are capable of responsible and courageous leadership. Their ranks can call forth persons who will protect the interests of their nation as a whole, especially when it comes to protection of their lands. See Hoxie's excellent articles, "Building A Future On the Past: Crow Indian Leadership in an Era of Division and Reunion," (Hoxie 1984) and "Crow Leadership Amidst Reservation Oppression" (Hoxie 1989a).

Sixth, while communal ownership of land has historical predominance, individual ownership of property is compatible with Crow ways. In fact, the Crow way manages to infuse individualism, (Medicine Crow 1939, 26) with its apparent contradiction, to communalism. It is documented that Crows can be farmers. A government inspector in 1889 found them to be industrious, and to have harvested a surplus of potatoes and vegetables in a year that was marked with drought. The inspector concluded that the "usual cliches" about the Crow were wrong (Bradley 1970, 21). It is not individual ownership of real property that irritates Crow ways, nor is it capitalism; The Crows supported the Crow Act of 1920 which provided for

individual allotments and leasing of individual lands. What gruels Crows is the same thing that irritates any people, unfair bargaining position, monopolies, restraint of trade, trespass, and all the relatives of oppression.

Like the sacred tobacco plant given to No Vitals as a reminder of the relationship of the Crow to their lands, they consider themselves planted in their lands, and they believe that the only way they can live is to remain rooted to their land, cultivating themselves through reverence for the place from which they sprang.

How such a people, so unified and identified with their lands, could be dispossessed and oppressed by whites, is the subject of the following section.

THE HISTORY OF WHITE CONTROL OF CROW LANDS

The first white to establish a relationship with Crow Country, other than those incidental to exploration and passage, was Manual Lisa, a fur trader. He was in St. Louis when Lewis and Clark returned from the Rocky Mountains. He listened intently to their stories of many beaver on the tributaries of the Yellowstone. He hired John Colter and George Druillard, two scouts and mountain men of the Lewis and Clark expedition, and on April 19, 1807, they set out with forty-two men and four keel boats, up the Missouri for the Yellowstone, seeking trading partners, the Crow, already identified as a people friendly to the whites, and who lived in a land abounding in beaver (Oglesby 1963, 54). On November 21, 1807 Lisa built a fort, called Lisa's Fort, on the Yellowstone, at the mouth of the Big Horn (Hamilton [1957] 1970, 66). More significant than the fact that this fort was the first permanent white building in what would be the state of Montana, is the fact that it was built for the purpose of establishing a trading relationship with the Crow.

Lisa did not seek trade with the Crows solely because they were friendly and inhabited a fur paradise. The Crow were already established traders (Lowie [1954] 1982, 115; Hoxie 1989b, 50-53). They were the richest plains Indians in the most common item of barter, horses (Denig 1961, 144). The location of their

lands was ideal. They acted as middle men for trade between the Pacific coast and Rocky Mountain areas on one hand, and the plains on the other. They maintained trade ties with the Mandan, Hidatsa, and Arikara to the east, and to the west with the Nez Perse, Flathead, and Shoshone. Even their perpetual enemies, the Sioux, Cheyenne, Blackfeet, and Arapahoe were in alliance with them at certain times, which allowed for inter-tribal trade (Weist 1977, 49).

Of course, the other reason for alliances was that it was a necessary strategy for a small tribe like the Crows, trying to defend prime lands like those of the Yellowstone Valley from larger tribes on all sides. (Ibid., 47).

Another facet of early life, already mentioned above, and which would play a role in Crow-white negotiations over Crow lands was the Crow sense of reciprocity. This is supported well by Nabokov's research and summarized by his notation that "more experienced frontiersmen at this time were well aware that reciprocity was a virtual reflex of Crow thought" (Nabokov 1988, 153). Contrary to popular white belief, Crows did not believe in the free lunch; they were very skilled (and are now, if allowed to bargain at arm's length) in the business of trade and contract (Ibid. p. 155).

When Lisa, and his progeny, sought trade alliances with the Crow, they found well prepared partners. The relationship was mutually beneficial for many years and demonstrates that whites and Crows can share Crow Country, if the Crows can deal as equals

and maintain control over their lands, trading to their benefit as well as that of the other parties.

The era of trade began by Lisa in 1807 lasted well into the 1870's. In many respects the height of the era, in terms of benefit to the Crow, was reached at the signing of the Fort Laramie Treaty of 1851 (11 Stat.749). It recognized essentially all of Crow Country as part of "The Crow Nation," over 38 million acres, and limited white intrusion to that necessary to build military roads and forts. Probably most important to the Crow at the time, it pledged the Sioux, Cheyenne, Arapahoe, and other tribes to "abstain in the future from all hostilities whatever against each other" and the Crow, and to "make an effective and lasting peace." (Art.1)

The Crows were by the terms of this treaty, a nation, with their homelands guaranteed, their enemies pledged to peace, and that peace was by alliance with the power of the ever increasing might of the whites. If things had stayed as they were, and as envisioned by the Treaty of 1851, the future of the Crow Nation would have been assured. But as always, things changed.

Fur traders dealt with the Indians for personal property. The trade relationship respected Crow land control. But immigrants, miners, and cattlemen, dealt in only one thing--land. Although the first waves of westward movements, to Oregon (1840's) and to California (1850's) by passed Crow Country, they stirred interest. A number of publications, of this period

reported the beauties of Crow Country. Washington Irving talked of the general area in Astoria (1836) and Adventures of Captain Bonneville (1837). The published reports of John C. Fremont and other works also increased white interest in the land whites would come to call Montana (Burlingame 1956, 8).

The California gold rush of 1849 spurred interest in the whole West. In 1857, Granville Stuart and his brother James, drove a herd of cattle into what would become Montana (Hamilton [1957] 1970, 132). They were among the very first whites who came to settle. They discovered gold the next year. In 1863 John Bozeman blazed the Bozeman trail accross Crow lands, a violation of the treaty of 1851 allowing only government established roads (11 Stat.749, Art. 2).

Discovery of a large gold find at Alder Gulch May 26, 1863 brought thousands of people to the area (Hamilton 1957, 275). By May 26, 1864, the day Lincoln signed the bill creating the Montana Territory, there were 20,000 whites in Montana (Ibid., 279). A day not noted by the Crow at the time, it can now be recalled as a black one indeed, for it marks the day that those 20,000 whites, all seeking land, and its riches, gained political power for themselves. They became a sovereign people. And with that power, they began immediately the work of taking control of Crow lands.

Events occurred with lightning speed thereafter. On July 2, 1864, the Northern Pacific Railroad obtained its charter from Congress for building a northern rail route from Minnesota to

Washington. Land grants of alternate sections along the route were promised.

With the end of the Civil War, the Union Army turned its soldiers to the "Indian Problem." Soon forts and expeditions appeared in Montana to aid the "tide of empire" (Burlingame 1956, 52).

The first cattle from Texas were driven into Montana by Nelson Story in 1866 (Ibid., 48). After trespassing across Crow lands, he drove them to a point near Bozeman, Montana. This started the herds of Texas to Miles City, Montana, to Crow Country. It also signaled the beginning of what would be called the "cattle barons" of Montana, an exclusive group of whites who sometimes became rich, sometimes went bust, but who gained control and kept control of Crow lands.

These cattle barons, and the other 20,000 whites recently arrived in Montana, wanted roads, steamboats, railroads, cattle, grain, and gold. When they realized that the Crow held land along arterial routes, prime grazing land, and potential gold fields, they set about to do away with the Treaty of 1851 that protected the Crows. How they went about their business, teaches not only the history of their methods, but provides a welding link to understanding present day methods used to maintain control of Crow lands.

The following historical review will reveal that white control was achieved, and is now maintained, by means that can be

described under seven different headings.

Propaganda. The first may be termed "Propaganda." Oppression is repulsive to the truth seeker, to public opinion, and to politicians. Those wielding power don't like it called oppression. Like most poisons, it must be mixed with some kind of sugar, so that it is palatable. Just as Hitler hid genocide of six million with his spell binding rhetoric, so the whites who came to Montana in the later half of the nineteenth century, and who coveted Crow lands, developed a rationalization for their greed, words that would sooth their own conscience and capture public opinion, so vital to power in a democracy.

Various ideas have seemingly satisfied the white conscience. Robert F Berkhofer, in a chapter of The White Man's Indian entitled: "The Colonial Foundations of White Indian Policy: Theory" (Berkhofer [1978] 1979, 115), thoroughly supports his conclusion that whites tell themselves (probably unconsciously) that "invasion and settlement of native lands [is] beneficial to the Indians as well as to the Whites, for the Indians received the blessings of Christianity and civilization in exchange for their labor and/or lands" (Ibid.,117). Closely alligned with this idea is the white fiction created in their minds that Indians are savages and their lands are a wilderness, and that the white man, as heir of Adam's injunction from God, has divine commission to "subdue" (Genesis 1:28) the Indian's "earth" and civilize him to God's ways. The fact that no wilderness or savage ever really existed except in the minds of the whites is

supported in the work of Frances Jennings, The Invasion of America ([1975] 1976, 30).

Other rationalizations include that of natural selection and the notion that Indians are inherently and racially inferior requiring whites as gaurdians, protectors, and educators to take control of Indian lands for their own good (Berkhofer 1979, 55).

Hoxie has preceptively noted that early white propaganda, prevalant as whites were first taking control, stated that Indians would, under white tutelage, become "civilized" or christianized and cultivate their lands, the same as whites (Hoxie 1989, 242). But, after whites secured control of Indian land, then the cry was that the inherent "mental attitude" of Indians better suited them "as menial laborers in a society dominated by whites"(Ibid.,241). Thus, their lot was to be peripheral members of the white nation, and the superior whites would control the lands.

All of these explanations apply, to some extent, to the whites of Montana, but their thinking--the propaganda they have come to rely upon most--seems to have taken a little different bend. Perhaps the best way to describe it is to tell more about the man who seems to have first articulated this Montana rhetoric, and disseminated it best--Granville Stewart.

One biographer of Stuart entitled his work, "Mr. Montana: The life of Granville Stuart, 1834- 1918" (Treece 1974). Such a title fit him in many ways. He and his brother, James, were one

of the very first settlers into Montana, first going into the country in 1857 (Kittredge and Krauzer 1986, 14). He was a gold miner, legislator, and vigilante, artist, librarian, and a host of other things. But most importantly for present purposes, he was one of the first cattlemen of Montana, and he wrote extensively, gaining national recognition as an authority on Montana (Ibid.,16). Thus, his views on land and Indians became the genesis of thinking for white ranchers of Montana, and as will be seen, continues to influence white attitudes toward Crow lands even today. To describe Stuart's views on Indians, a little more of his biography is necessary.

He was not religious (Ibid.,23), even leaving instructions that he not be given a church funeral. He married a full blooded Shoshoni Indian who bore him nine children, and who raised two of James' children. These facts seem to have influenced Stuart's views on Indians. He did not talk of Christianizing them. He always talked more about them becoming "self-supporting." He stated that the reservations bred idleness, vagabonds, paupers (Stuart 1977, 225). He continually talked of the need for Indians and whites "intermixing" and the need for Indians to be treated, and punished, as all other citizens. (Ibid., p. 226) He called for Indian economic self-sufficiency and political equality with whites, which meant termination of the reservation and any treaty rights they had obtained. It was he who first seized the idea so popular today, that Indians, with inherent sovereignty, treaty rights, reservation self-government, and tax

immunities, enjoy a status "more equal" than whites, and therefore, constitute an abridgement of constitutional principles of equality. While this rhetoric sounds good in theory, it plainly translates to one thing, loss of land control. What Stuart really meant was that whites, under white law, ought to control prime Crow cattle lands. But this had to be said in a way that sounds good at a protestant church meeting, or in a newspaper article. Hence, the rhetoric of equality, self-sufficiency, eradication of the reservation as a breeding ground for idleness, debauchery, disease, and illiteracy. What the sermons always failed to say, and which whites understood well, was that Crows were expected to achieve this state of prosperity, equality, and independence without any assets or power. Those items, the land and all that goes with it, were to go to the whites. Like the Israelites, under the oppression of Pharoah, Stuart expected Crows to make bricks without straw.

It is also important to note that he professed to have a strong like for all Indians, all except one tribe, which he admitted he hated. That one, of course, was the tribe holding the best Cow grass, and the most important land for development of railroads, mining, and other pursuits. It was the tribe that he and his allies of the Territorial legislature, as already noted, branded as an impediment to the "tide of empire." He hated the Crow; at least he spoke plainly on that subject:

"The Nez Perce were the highest type of Indian that I

met with the Crows the lowest...The Crows, the most treacherous and insolent of all the native tribes, professed friendship for the whites but never lost an opportunity to steal horses or murder white men if they got a chance. They were friendly only because it enabled them to trade for guns and ammunition and furnished them a powerful ally against their hereditary enemy, the Sioux (1977, 51,59).

It is important to emphasize again that Granville, through his publications and his positions for voicing them, especially among cattlemen, insured perpetuation of his philosophy. The best example of this has already been set forth above where note is made of his selection as the national delegate for Montana to the National Stockgrowers Association, where he pushed passage of his resolution voicing his views on Indians.

White thought as reflected by newspapers of the day show that Stuart's kind of propaganda was gaining wide acceptance. A popular history of Custer County, quotes an early newspaper of Miles City, Montana seeking to justify the opening of Crow lands to the whites and settlement of the "Indian problem" by forcing Crows to become farmers "on the same footing with whites. That would finish them" (Western Historical Publishing Co. 1907, 336). Notice the direct statement exposing the real intent of whites to take Crow land under the guise of sharing it and "making" Crows equal with whites, while all the time confident that Crows would never make it as farmers. The statement even carries implication of a genocide wish. Just in case Crows were equal to the challenge, the plan had safeguards insuring that the Crows would

fail, and that Crow lands would fall into white hands, namely, no provision for teaching the Crows how to farm, a skill entirely foreign to them. In addition, no plan was every devised for allotment of enough land to make either farming or ranching profitable, for it takes no citation of authority to prove that in the arid west 160 or even 320 acres has never been enough land to support a family. Instead of real help Stuart, and his followers, simply proposed that the Crow would learn by intermixing with whites, that is, by white "example, contact, and stern necessity," as his proposal at Chicago suggested. But more honestly, the Miles City Newspaper admitted that such a policy "would finish them." This all sounds like the good old American values of equality, industry, and initiative, and it even gives whites the role of the good neighbor, but the plain fact is that it spelled doom for the Crows, and power for whites.

In addition, Stuart's speech has other propaganda value. For one thing it has a built in blame factor. If the Crows fail at farming, as they surely would, and if they consequently and inevitably turn to alcohol and laziness, whites blame Crow failure on those consequences that follow failure, instead of the causes, which are the stacked deck dealt by whites who made off with most of the land necessary for any success. Thus, whites not only have a plan that sounds good, and gives them the land, but it gives them the power to inflict shame and guilt on the oppressed, as they are lead to believe that their sorry lot in life is their own fault. The unfortunate Crow are made to see no

way out, a perfect way to perpetuate white control.

Maybe best of all for whites, any attempt to preserve Crow sovereignty, self-government, tribalism, or treaty rights, is met with the logical argument that such treatment creates inequality; Indians have more than their fair share. This results in the white tendency to forget Indian treaties, as if they are, like the coup stick relics, no longer of any value in today's world.

With Stuart as one of first orators, and his propaganda widely circulated, his thinking took hold early on, and very thoroughly molded the minds of white Montana. This is demonstrated by their territorial memorial passed by the Montana Territorial Legislature January 11, 1869, which attempts to whittle away Crow benefits of the Treaty of 1868 (Laws 1869, 119). In making their argument for, as they said, "rights of the citizens of Montana in the Valley of the Yellowstone" they falsely assert that their rights as citizens of the territory pre-dated any treaty of the United States with the Crows. This, of course, is a lie. The Treaty of 1851 recognizing the Crow Nation, and excluding all but government personnel from the Crow Nation, predated the Montana Territory by thirteen years. Yet, as with all propaganda, this memorial and other rhetoric like it, in part, enabled whites to obtain further cessions of Crow lands, and to otherwise take control of Crow lands.

Oligarchy With a propaganda rhetoric sufficient to command

public opinion, the leading whites of the new Montana Territory were prepared to wage a successful campaign with Washington to take full control of Crow Country. They eventually established a kind of oligarchy over these lands, ownership or control by a few cattlemen and those who supported their empire. The times were right for such an oligarchy when the Treaty of 1868 was negotiated and signed. As stated above, there were then 20,000 whites in the territory. Thereby whites had gained about a seven to one advantage over the 2,500 "savage" Crows. To this huge majority, it appeared that the Crows could never utilize a 38,000,000 acre "wilderness." Their legislature officially "forgot" the Treaty of 1851. Whites wanted railroads, roads, gold, cattle, and the land necessary for such things. Crow lands sat right in the middle of their ambitions, lands larger than the state of Pennsylvannia, lands verboten by the terms of the 1851 treaty. Only two obstacles stood in their way, the Crows and Washington.

Dealing with the Crow would be no problem. With the end of the Civil War armies became available to brandish, and their own migrations had now made them superior to Crow might by a factor of seven to one; they could force the Crows to accept new terms.

The war with Washington only needed votes, which they were gaining. Crows had no votes. They realized they were beat; their only tactic would be an attempt to negotiate, ally, strike a good bargain. This had served them well in the past. What else could they do?

The tact of Stuart and the others was successful as it persuaded the government to take 30 million acres of land from the Crows, most of the lands that "showed color" for gold, and most of the cattle lands. Most important this treaty demonstrated the tremendous power whites can exert in Washington.

Having flexed their muscle, and established a pattern, whites then further refined and added to their methods for land control. Considering them in approximately chronological order, consideration should next be given to the tactic of producing a state of Crow starvation, or at least "bankruptcy," in order to force land cessions in return for rations.

Bankruptcy The Treaty of 1868 confined the Crow to the remaining 8 million acres. No one could leave the reservation without a pass. This fact was soon coupled with two more facts of economic importance. First, the plan called for making Crows farmers. As already discussed, they were not so inclined or trained, and the plan never adequately included any plan for helping them. Second, they had relied upon the buffalo for their food, clothing and shelter. By 1884, the policies of the white man had destroyed all buffalo within the Crow Reservation (Branch 1962, 218-19). As Atherton's book, The Cattle Kings says in its opening lines, of the time twenty years after the end of the Civil War, "the buffalo herds had virtually disappeared, the Indians had been pushed aside, and the cattle kingdom seemingly reigned supreme. Cowboys and cattle kings characterized the

region, a remarkable transformation" (Atherton [1961] 1972, 1).

By 1890 Crows were starving. In September they asked their agent for an increase in beef rations of twenty-five percent (Bradley 1970, 26). They were given it the next year when they signed an agreement to sell the western portion of their already dessimated reservation. They sold 1,500,000 acres for \$900,000, sixty cents an acre, for beautiful bottom lands of the Yellowstone valley all the way from Livingston to Billings.

Remember, these lands were not take from ignorant savages. They were taken from a people capable of great leadership (Hoxie 1988) treaty negotiators (Weist), traders and contractors (Nabokov). A cattleman admitted that chiefs Plenty Coos, Bell Rock and the others would not ordinarily make such a deal, saying they were "men of sense and ability, too well provided with each quality, I think, to make them willing parties to a deal that means little less then robbery" (Bradley 1970, 27). A newspaper article went further stating: "There is a Republican Indian Ring in Montana composed of some of the high officials of the state...together with other Republicans have stolen the whole Crow Reseveration and purpose to put a fence around it in the spring, export the Indians onto a more barren section of the country..." (Ibid.) Whether there was a ring or not, one fact is for sure, a once prosperous, free, and independent nation of people were fast becoming bankrupt and dependant. In such condition Crows had no choices; whatever the whites were willing to give, they had to take.

An alternative to outright cessions of land seemed to be leasing, which was first practiced in 1882 (Bradley 1970, 61). Late in 1883 one J.C. Wilson of Kansas wrote Commissioner Thomas Ryan seeking to lease part of the reservation. Secretary Teller gave Agent Armstrong permission to lease, provided that he "look after the interests of the Indians and see that they are not cheated..." (Ibid., 62). October 29, 1884 a lease agreement with Wilson and his partner, J.T. Blake of Colorado, for leasing 1,500,000 acres of mountainous land was approved by many chiefs and 439 Crows.

A white rancher of the Yellowstone valley documents the ascendancy of white tactics to oppress Crows and control their lands. Malcolm McDonald of Stillwater wrote the President that Agent Armstrong was forcing the Crows to lease to a "Denver syndicate of cattle men" (Ibid.). Soon a "Committee of Citizens of Yellowstone County" was complaining to Commissioner Hiram Price that the area to be leased was 3,500,000 acres (Ibid., 63).

Whites set up headquarters at Billings and started to flex muscle in face of this threat from the "Denver syndicate." Propaganda promoting Billings was spread through a book authored by E.S. Topping, an early immigrant to the area. Printed in 1883, and entitled, Chronicles of the Yellowstone, his book, interestingly, was dedicated "to the living and dead pioneers of eastern Montana who, always on the frontier, stood as a living wall between a savage race" (Topping [1883] 1968, i). Looking to

the future from 1883, Topping viewed the Crow lands and Billings as follows:

When the Crow reservation shall have been opened for settlement, Billings will receive a great impetus, for it is situated at the natural outlet for the most of that country, and when the big ditch, which is in course of completion, brings sufficient water to irrigate the fertile valley in which it is located, its population will be trebled.

Within fifty miles of this town, nearly one hundred thousand head of cattle range. This is the outfitting and shipping point for the cattle men; and their trade, with that of the farmers and the freighters to the Maginnis mines, make quite a lively business. Two papers are published there, which are well supported. Coal in great quantities has been found on the slopes of the Bull mountains, within twenty miles of the town, and a branch road to the mines from this place is an assured fact for 1884.

Those two local papers also turned out propaganda. On May 17, 1884, the Billings Herald proudly stated that "Billings, in relation to the country occupied, is similar in situation as Denver with the wealth of Colorado. built along the Yellowstone, and commanding the greatest agricultural resources, its proximity on the south with the Big Horn, Pryor and Clarke's Fork mountains, and which are rich in mineral with intersecting streams, lined with great bottoms of the richest land and embracing wide ranges in the first grazing districts...The bill now before congress to segregate a portion of the Crow reservation, and comprising some five million acres, relates to this district, on the opposite side of the river, and will comprise a portion of Yellowstone county. The region, as an

agricultural district, is among the best and in the future of Billings a first consideration."

This hysteria for Billings, at the expense of the Crows, would eventually reach the stage where a writer extolling it would adulterate the beautiful words of Rotten Belly (Arapooish) to try to make people believe he spoke of Billings instead of the sacred Crow Country. This was cleverly done by a writer of a history of Billings, as follows:

The early builders of the magic city [Billings] found it to be true, as have their present day counterparts, that the great Crow Chief Arapooish spoke with the full heart, the far-seeing eye and the straight tongue, when he said of the site to become Billings: "The great spirit has put it exactly in the right place. When you are in it you fare well...Everthing good is to be found here [leaving out references to Crow Country by the chief] The Great Spirit put it exactly in the right place. While you are in it you fare well....[again leaving out a statment that "Crow Country is exactly in the right place] Everything good is to be found here. [Again, leaving out the last sentence, "There is no place like Crow Country."]

With such a frenzy over this new place called Billings, it is little wonder, that the citizens would see the Wilson-Blake lease as a loss to "outsiders" of the Crow "prize," lands.

Whites were worried; they needed to organize. Enter the Billings Board of Trade, an early day sort of chamber of commerce, a cross between a lobby group and a strong armed mafia. Their first underhanded act upon the Crows was to round up Gray Horse and Deaf Bull, Crow bullies, who were persuaded to intimidate Indian witnesses, who testified at a hearing held to

investigate the proposed lease. No Crow would testify for the lease in their presence, although most all the chiefs had signed the agreement. Thus, The Billings Board of Trade, was able to further add to the propagands advanced, the proposition that the lease was contrary to the wishes of the Crows.

Others were at work at the Territorial Legislature where the house of representatives unanimously passed a resolution addressed to the United States Congress stating: "Wherefore the memorial prays that the Congress of the United States take such steps as may be necessary to prevent the leasing or disposing of said lands [The Crow Reservation] to any public or private corporation or individual, and to restore the vacated portion of the reservation to the public domain" (Billings Herald January 17, 1885).

Wilson and Blake never got their lease. Instead, a system whereby the reservation was divided into grazing districts was devised, and the local cattle barons such as Nelson Story took control. Stafford, years later, in assessing those years, for his dissertation on Crow Cultural change over the years, concluded, "By the end of the early reservation period (1868-1934) the white settler was well on the way to owning and dominating the reservation and determining the economy by leasing nearly all the land" (Stafford 1971, 133). The whites, under leadership from Billings, had succeeded in monopolizing the leasing of Crow lands, a step that furthered bankruptcy of the Crows. Now,

through leasing, they could take control of the whole reservation, at their own price.

Other tactics were successful too. Trespass and overgrazing were a constant drain on Crow resources (Bradley 1970, 143, 274).

By 1920 Crows had over 30,000 horses, the measure of wealth by their buffalo culture, but of little value without the buffalo. Each horse was eating grass, grass that could support another cow of the white cattlemen. So they went to the Government (Bradley, 1970, 313) and soon thereafter Heinrich, one of the barons, was killing them in wholesale lots (Ibid., 314). These killings are remembered by Eliose Pease, who recalls seeing great numbers of dead horses laying in back country gullies and washes, out of general site (Pease, interview with author, October 12, 1989).

The cattle barons constantly invented new tricks to get free grass (Bradley 1970, 95). As soon as the sluggish Indian Office invented a regulation to cover a loop hole, the barons were off to another scheme.

"By insisting on the division of the already inadequate family land base through inheritance, the government delivered the Crows into the hands of local cattle barons" (Voget 1984,17).

These many practices and tactics which produced a state of bankruptcy for Crows, on the other hand, made the fortunes of the cattle barons. For example, Frank M. Heinrich came to the reservation in 1903 with 79 head of cows. Ten years later his

herd his herd numbered 23,000, but the most amazing fact is that he subleased the land he rented from the Crows for \$44,850 per year to other stock men whereby he realized almost the same amount he paid the Crows. Thereby he grazed 23,000 cattle free (Williams 1942, 295).

The story of Matt Tshchirgi is similar (Big Horn County Historical Society 1976, 257). His granddaughter, Geri Tsshirgi Glenn "proudly" tells:

His locale was the leased 3,800,000 acre Crow Indian Reservation known as the Antler Ranch, the brand itself used by his father in 1884.

* * * *

Livestock, Matt put it, was just a means of cashing in on grass. He considered himself primarily in the grass business. His peak livestock capacity was 20,000 steers or 100,000 sheep and usually he ran some of each.

At one time, his grazing cost was so low that he could take on a partner's steers for 50 cents per head per month; provided all the range at 25 acres per head, the labor and paper work; guarantee the return of principal with 5 percent interest; throw in a 2 percent loss clause and still have a good deal for himself, even if the steers just held the money together. Usually they did much better than that and successful partners included Adolf Swartenberg, Prince of Luxenberg, Floyd Skelton of Idaho Falls, Idaho, Ralph Cunningham of Billings, Montana, Ned Randolph of Denver, Colorado, and Robert Cobb of Hollywood California.

While Heinrich and Tschirgi made millions, the "landowners" lived in poverty of the rankest kind. Any rental offered was eagerly taken; it was the alternative to nothing. Bankrupting the Crows became the best method of maintaining control of Crow Country.

Secret Combinations Whites also learned how to oppress Crows through the use of secret organizations, which will be called herein "secret combinations." The name is taken from the Book of Mormon published by the Church of Jesus Christ of Latter-day Saints (Church [1830] 1982, 382,383). Simply put, the book defines a secret combination as two or more persons who secretly combine to oppress or injure others by their acts of wickedness. Members of a group work as a secret combination if: (1) the identity of persons who commit acts of oppression are kept secret by its members; (2) acts of members are judged, and rewarded, according to the rules of the group. By this simple rule of organization, the acts of the members, regardless of their heinous nature, are protected from punishment under law, and even the judgment of public opinion. The KKK, mafia, and vigilante groups retain their oppressive power and protect the welfare of their members in this manner.

Persons not within the combination enjoy no protection, and are fair game for all forms of oppression. One of the principal forms is the taking of the property of others, or oppressively controlling it for the benefit of the oppressors. The acts of those of the secret combination may be legal under constituted law, but they always oppress; they always injure others; they are wicked, not only in the religious sense, but in the natural sense that they constitute acts of inhumanity.

As might be expected, secret combinations apparently first

appeared in Montana in the form of vigilantes first organized in Bannock and Virginia City in 1863. Thereby Montana became a most significant vigilante state (Brown 1975, 101).

The nature of this group as a secret combination will become clear by examining it in light of the two elements above given for the definition of a secret combination. They were organized solely for the purpose of murdering people, that is, killing them without due process of law. Obviously murder is an oppressive act. Their intent to keep the identity of their members who murdered a secret is revealed by their oath of membership which states:

We, the undersigned, uniting ourselves together for the laudable purpose of arresting thieves and murderers and recovering stolen property, do pledge ourselves on our sacred honor, each to all others, and solemnly swear that we will reveal no secrets, violate no laws of right, and never desert each other or our standard of justice so help us God (Western Historical Publishing 1907, 106).

Notice that the member swears himself to secrecy for the purpose "not to desert each other." And how would one member desert another? By disclosing the identity of the murders to the public, the the authorities, thereby exposing them to the risk of punishment under law according to the true nature of their acts--murder. The identity of their perpetrators had to be kept secret. Thus, these first Montana vigilantes operated according to the first element of the definition of the secret combination.

The second element is also fulfilled, as is obvious from the

fact that none of these vigilantes were ever brought to justice for their own crimes. The plan of their secret combination to protect their acts from the reach of law, and from public censor, was entirely successful; they were judged only by the rules of the vigilantes, and that judgment rewarded the perpetrators for their their crimes, instead of punishing them.

Having established the nature of the Montana vigilantes as a secret combination, it is important to establish the extent of their influence through out the state. In spite of the plain fact that their members, in reality, were murderers, they enjoyed heroic status among the white citizenry. Leeson's History of Montana, published in 1885, actually recorded a longing for their return, saying, "How often have men looked back to the days of the Vigilantes and wished for the resumption of the justice-giving power? Scarcely a day passes in the Old States without failure of the law to accord justice. Even in this Territory, where the lessons taught by the Old Committee are still remembered, justice sometimes fails to reach the criminal, while the specious promises of officials hold in check the salutary call of the Secret Tribunal" (Leeson 1885, 265).

The fact is that even as Leeson wrote the vigilantes were not only the heros of the territory, they were still murdering people. And the head of their organization was none other than Granville Stuart. In 1884 he organized what became known as "Stuart's Stranglers," a vigilante band that executed seventeen victims in less than a month for allegedly stealing cattle

(Kittredge 1986, 19). Before he was finished thirty-five were killed (Rosenbaum 1976, 85) and some may have been innocent of wrong doing (Kittredge 1986, 19,20).

As a reward for Stuart's crimes, the Montana Stockgrowers elected him the next year, 1885, as their president, and delegate to the national convention at Chicago where he made his proposal regarding Indians. Thus, it becomes clear that not only the Stuart philosophy on Indians impacted early Montana, but he carried the vigilante-secret combination methods to the cattlement of the state, and the Montana Stockgrowers Association carries the historical taint of an organization that acted as a secret combination by rewarding its members for their crimes.

And vigilantism, as a form of secret combination in Montana, did not infiltrate the cattlemen only. It was very well established among the leading men of the state at that time. The two men responsible for procuring the enabling act creating the Montana territory (Hamilton [1957] 1970, 276), Colonel Wilbur F Sanders and Sam Hauser were vigilantes (Leeson 1885, 266). So was the first Chief Justice of the Supreme Court, two associate justices, the U.S. Attorney, and U.S. Marshall, who all served at, or within three years of the time of the founding of the territory in 1864 (Leeson 1885, 260-266).

The Montana vigilantes became American celebrities of a sort with the publications of Dimsdale's book, The Vigilantes of Montana. The more accurate title given was Popular Justice in

the Rocky Mountains. Dimsdales, himself a vigilante, held the view was that "Habits of thought rule communities more than laws, and the settled opinion of a numerous class is, that calling a man a liar, a thief, or a son of a bitch, is provocation sufficient to justify instant slaying" (Dimsdale [1865] 1953, 13). This statement gets to the essence of a secret combination as a more subtle form of vigilantism, the idea that the popular group, the majority, or powered class is the real ruling force, not law, and that whatever that power group decides is justice, must prevail, it being the duty of the members of the group to bring about that objective by their own methods, secretively, swiftly, and with anticipation of sharing of the rewards that come with their ruthless use of power.

These groups even adopt the argument that they act on a plain higher than law and constitutions, because, according to their rhetoric, they derive their power directly from the sovereign--the people. And with such license, they can justify any of their acts, no matter how inhuman.

In addition to Granville Stuart, and the early Montana government leaders who wielded power and influence against Crow land interests, one other group ought to be mentioned in connection with secret combinations. Elements of the secret combination are evident in the workings of the Billings Board of Trade in the handling of the WilsonBlake lease crisis. The leading merchants, cowmen, and others of the white establishment, those building Billings, saw a threat to their plans for taking

the Crow Reservation. They reacted by securing the services of a bully Crow who intimidated other Crows to support their propaganda that the proposed lease was a threat to the territory. Their tactics at the least bordered on illegality; they certainly were secret, and were the work of a group organized to take Crow land, and the rewards they obtained for their members came in the form of a monopoly hold upon the leasing of Crow lands for themselves.

Secret combinations were a very real thing in early Montana. And it must be remembered that they were not headed up by characters of poor reputation and station, by dilettantes and transients; they were organized and led by men of high standing, the "pillars" of the community, those in power, who sensed a threat to their power, and who maintained power by acts kept secret by their fellow members of the combination, so they could publicly maintain their reputations. It is truly frightening to realize how far they would go, what kind of acts they were willing to commit to oppress, in order to maintain their own power. It is also frightening to see that men like Granville Stuart, and the leaders of the Billings Board of Trade, familiar with this kind of method of oppressing people, had their greedy eyes on Crow land as one of their major objectives.

Destabilization Dr. Fredrick E. Hoxie relates an incident in Crow history that reveals another white tactic (Hoxie 1984, 76). In 1902 Samuel Reynolds, a Billings business man, was

appointed as agent to the Crow. He did not like to deal with the traditional chiefs of the tribe. Instead he dealt with Big Medicine, the appointed captian of the agency police. Big Medicine was not a recognized chief; worse, he carried out the orders of Reynolds against his own people. Soon, two factions were in existence, those who supported traditional Crow leadership, and those who supported Big Medicine and the others following the agent. A journalist, Helen Grey, exposed agency corruption, and voiced Crow complaints about health, starvation, and the like, and soon found herself the subject of a grand jury investigation. Factionalism among tribal leadership was only avioded by the unification that occurred when McLaughlin, of Billings, proposed something entirely to the liking of the "Billings Empire"--that 350,000 acres of tribal land be preserved as a common pasture, and that the remainder of the reservation be opened to white homesteaders. All factions closed into one in support of saving Crow lands. The controversy was over, but it had revealed what would, in the future, be more and more effective against the Crows, destabilization of their leadership, factionalism and chaos brought on by efforts of the whites.

Devices With the enactment of the Crow Act of 1920 (41 Stat. 751) whites created a number of legal devices and tactics that helped them maintain control of land by leasing.

The first was the overlapping lease. Under the Crow Act competent Indians, those judged by the agent capable of managing their own allotment, could negotiate the lease without BIA

approval. But leases could not be for periods longer than five years, in most cases. This was to give the owner a chance to bargain for better prices, and to prevent whites from virtually owning the lands by long leases. Whites got around the provision by leasing for the five years and paying their rent in advance. At the end of the first year, the owner would agree to cancel the existing lease, sign a new lease for another five years, and receive another year's rent. In this manner the lessee maintained control at all times, and could virtually name his own price for the lease, as the Crow had very little choice. He could not lease to another except four years into the future. If he did that he would have to live four years without receiving any rent. No Crow could afford the wait. The Crows were locked in and the whites virtually owned the lands they leased for pennies. So confident were the whites of this system that they began to think literally of this leased land as their own. So, they created another device consistent with their position of power, they sold their ranches with the leases as if they were part of the spread. A typical land sale contract would provide:

The property owned by Seller which is affected by this agreement includes certain deeded lands located in Big Horn, County, Montana, which are described in Exhibit A attached hereto, and the interests of the Seller in and to certain competent Indian leases located in the vicinity of the said deeded land and which leases are more specifically described in Exhibit B

With this simple language white ranchers "sold" and "bought" not

only deeded land, but leased Crow lands.

Land Skimming By far the most successful device over the years is the practice of taking from the Crows a piece at a time, a right, or resource at a time, never taking all, so that the appearance of preservation of something for the Indian can remain part of the white propaganda.

This is well illustrated. The treaty of 1868 is the first example, the principale propaganda being that 3,000 Crows could not possibly need 38 million acres; 8 was plenty. Cessions in 1882, 1891, 1904, and 1937 followed (Medicine Crow and Press 1966, 12-42), all with some sort of argument that the land given was not necessary for Crow needs, as determined by white definitions of "neceessary" (Smith 1986, 24-37).

In a similar manner pieces of Crow ownership were taken for railroad rightofway, roads, water, and other rights.

In summary, history reveals a number of effective methods or tactics developed by whites over the years to take and maintain control over Crow lands. By modern times, 1950-1989, they had established a very effective system for maintaining control over Crow lands. They did it by means of (1) propaganda, (2) oligarchy, (3) bankruptcy, (4) secret combinations, (5) destabilization, (6) devices, and (7) land skimming. The last section of this paper will discuss the use of these methods in modern times.

WHITE LAND CONTROL OF CROW LANDS TODAY

Dimsdale was correct when he said that habits of thought rule communities more than law. It is also true that habits are hard to break. It is not surprising, then, to learn from comparison of white methods of control practiced in the past, to practices of today, 1950-1989, that whites continue to control by the same methods used by their fathers and grandfathers. What is surprising is that whites seem to deny they are practicing a form of oppression, and even more surprising, that Crows seem to lack full understanding of how whites maintain their position. It is hoped that this articulation of present day white practices will do two things. First, it is hoped that whites who read these pages might realize that the oppression heaped upon the Crows in the past, is also in the present, and the perpetrators are not dead people who can do nothing about the problem. Responsibility is on the shoulders of the living. Second, and most importantly, it is hoped that some of the research of this paper will strengthen Crow ties to Crow Country, that the review of the role of the land, the tobacco ceremony, visions, and other rituals and Crow ways whereby Crows obtain their identity and unity as a people, can be revived, renewed, or strengthened as necessary; that out of this study of the past and the present,

the Crows will devise new ways of sustaining themselves through symbiotic relationships with their lands.

Propaganda Granville Stuart's Chicago proposal of 1885 to "reduce" the Crows "to the level of all other citizens" is still with us. Like the territorial resolution that ignored the treaty of 1851 in claiming that white rights of Montanans pre-dated Crow treaty rights, whites today refuse to recognize Crow rights in their calls for "equality." Even the names of their hate groups spread their propaganda: MOD (Montanans Opposed to Discrimination); ACE (All Citizens Equal); CRO (Civil Rights Organization); CERA (Citizens Equal Rights Alliance, Inc.). But who stands behind these groups? Are they truly interested in equality? Fairness? Anti-discrimination? The answer is plain from their membership roles. They are simply lists of whites who want control of Indian land. Talk of equal rights is pure propaganda, rhetoric covering greed and power. The CRO, for example, is composed entirely of the white ranchers of the Crow Reservation, and the the Hardin merchants that trade with them. What they really seek to protect is not equal rights but their power over Crow lands which they have controlled for over a century. They maintain their control by effectively spreading their propaganda of "equal rights" which appeals to the media that is so instrumental in forming the "habits of thought that rule communities more than law." Experience with these groups reveal that they work in secret. Their identity reveals their true purposes, and the nature of their acts of oppression,

therefore, they hide by their promises to protect one another from the light of publicity. Only their propaganda is visible.

Few people realize how well these groups are organized for spreading their propaganda, thereby influencing the media and public opinion, so mandatory for political and economic control today. The CRO of Big Horn County, Montana, under the leadership of Hale Jeffers of Lodge Grass is affiliated with the national group, Citizens Equal Rights Alliance, Inc. (CERA), P.O. Box 215 Big Arm, Montana 59910-0215 (Citizens 1989, newsletter, August 1989). This organization has an executive board of persons from Montana, New Mexico, Arizona, New York, Michigan, Minnesota, and North Dakota. It also has an advisory board of thirteen people representing other local organizations like CRO from the states of Iowa, Idaho, South Dakota, Montana, Washington, Nebraska, Wisconsin, and Oregon. Thus, CERA has support in 14 states. This group will lobby in Washington March 5,6,7 and again on June 11, 12, 13, and 14, 1989. Their newsletter of August 1989, after gloating over the non-Indian victory in Brendale, Wilkinson and County of Yakima v. Confederated Tribes (109 S.Ct. 2994 [1989]), a case by which the Supreme Court severely limited power of tribes to zone areas of their reservations predominately owned by whites in fee, and after bragging about the fact that CERA filed an amicus brief in the case, the editor went on to say, "There is more work to be done on jurisdiction. We must keep up our efforts to assure that non-tribal people, their activities and

their property do not come under any type of tribal jurisdiction."

The CERA newsletter ends with a statment of priorities for legislation which are to (1) stop tribal government jurisdiction --all forms, (2) clearing land titles and water right for whites, (3) constrain tribal government control/jurisdiction over the fish and game resources of the United States (Citizens 1989, newsletter, August 1989).

All Indians need to counteract these organizations with their own groups that can effectively generate facts that will mold public opinion and produce legislation preserving their lands. Specifically, Crows need to devise ways to expose the CRO and other groups like it, force them to face the camera and microphone and admit their true identity and purpose. Their objectives are selfish; their fortunes depend upon maintaining Crow bankruptcy. If these truths become part of public opinion, Crows will be given power to control their own lands. How would a white rancher feel toward his Crow leasor, if when he attempts to renew his lease with the Crow, he was confronted with the fact that he is a member of an organization working to defeat Crow sovereignty, self-government, and Crow economic self-sufficiency? What if he were required to submit interpetation and enforcement of his lease with the Crow to the jurisdiction of the Crow Tribal Court, and disavow his affiliation with Crow hate groups, by covenant contained in his lease? In short, what would happen, if whites had to face the Crows for what they are doing, instead of

what they are anonymously spreading to the media and politicians? What if their secret acts of oppression were brought into the light of day?

Another good example of present day propaganda occurred last fall, 1988. Mr. James Rasmussen, former President of the Hardin Area Chamber of Commerce, Kiwanis President, a man who otherwise carries the "badges" of white respectability spoke at lunch about the prospects of building two museums adjacent to the Custer Battlefield and on the Crow Reservation, one to built and operated by the Crows with Crow artifacts, the other to house a large Indian collection of Paul Dyke and sponsored by the white community. It has been proposed that the two projects be combined, but no agreement has been reached as to who will own and control. Mr. Rasmussen spread the propaganda by saying that the Crows could build their own museum, he did not care. He said he was confident that it would be managed like all Crow projects of the past, that is, so as to insure failure. Then the "white" museum only would survive (Rasmussen, 1989 conversation with Dian Belue and Keith Brighton, fall, 1988) We are still where we were over one hundred years ago. Whites see Indians only as savages living in a wilderness, and given that belief for a premise, Crows will never be regarded as capable of doing anything productive. Hoxie's observation that whites want assimilation of Indians into the periphery, also still holds true. Crow success can not be tolerated by whites. They must keep Crows locked into

oppression, and the rhetoric of doom for Crow enterprise is an important way of maintaining control.

Experience in Big Horn County, as a white formerly of the establishment, as an attorney, and holder of public office, including County Attorney, Hardin City Attorney, Deputy County Attorney, United States Magistrate, and as a religious and service leader in the white community, the writer feels qualified to comment on the propaganda whites spread today. Although they will deny it, their desire is to keep Crows from education, keep them unemployed, poor, alcoholic, and utterly without any sense of self-worth or esteem. One of the most disgraceful statistics of the entire United States is that compiled by the Crow Indian Agency of the Bureau of Indian Affairs which shows that as of 1988, Crow unemployment stood at 86%. In such a low and humble state, Crows readily, quietly, even thankfully, accept a few pennies as rent for their rich lands. They become desperate for a loaf of bread or a bottle of wine. This is all to the benefit of the whites who control their lands and their lives. Maintenance of this position for Crows is, of course, accomplished by other means in addition to the use of propaganda espousing such views, but by their every day rhetoric, by jokes, pokes, coffee shop talk, and by various other conventions of the use of language, they continually reinforce, both in their own minds, and in those of the Crow, the awful concept that Crows are inferior people, only deserving of whatever token of benevolence whites choose to bestow.

Finally, a look at white politicians who hold actual power over Indian affairs. United States Congressman Ron Marlenee, by letter to Irene Belue dated May 1, 1987, stated that the reason he opposed tribal court jurisdiction over non-Indians is because, "There is a long history of non-Indians getting treated unfairly in tribal courts." Is this the real reason? Marlenee, himself a rancher, protects his own interests by this argument. Why not work for improvement of the tribal court, if he thinks it is unfair, instead of working to destroy it? This all points out that Marlenee hides his greed the same as Stuart did in the last century, behind the veil of "fairness" or equality.

Oligarchy Ed Miller, rancher, devoted Christian, and former county commissioner, said of the Crows before they became a force of voters in Big Horn County that rivals the white vote, "our Indians were content to remain on the reservation. Things were fine around here. Now they want to vote. What next?" (San Francisco Examiner, October 5, 1986). As of 1986, after 62 years of county government over Indians only 14 Indians had been appointed to positions on county boards and commissions where many local decisions are made. And 2.3 percent of the 250 county government jobs went to Indians who comprise 46% of the county (Ibid.).

Living in Big Horn County soon gives a person a clear picture that whites think of those other 46% as people living in another world, that all their problems such as alcoholism,

unemployment, broken homes, etc. are tribal problems to be solved by the BIA or the "tribe." There is no sense of responsibility for the Crows as a part of the county, unless the topic is use of Crow lands, then the subject is how to get around tribal ordinances, BIA regulations, or the tribal council to "get something done" or "get the ball rolling." Whites won't discuss it, the newspapers won't run articles on it, but the facts are plain; a few whites run the county for their benefit, and on the backs of the Crows, by using their lands.

Bankruptcy On June 3, 1985 the Supreme Court of the United States handed down its decision in NFU v. Crow Tribe (471 US 845). It basically upheld the principle that tribal courts can exercise civil jurisdiction over whites on reservations, and that during the course of that exercise federal courts can not interfere with the exercise of that jurisdiction. Within a month after this decision someone convinced the BIA to terminate its contract whereby it funded the operation of the Crow Tribal Court. What is more amazing, it unilaterally declared that the Tribal Court had ceased to be a tribal court under the auspices of the Crow Tribe, but was being re-established as a BIA court under the Code of Federal Regulations. A letter was fired off to the BIA reminding it that it had no power to unilaterally seize the tribal court. It retracted its "letter" purporting to establish the "CFR Court," but it did not re-fund the tribal court. Since then the court has functioned mostly by volunteer judges and personnel. It has been very poorly run since; it does not have

the money to exercise the sovereignty recognized by the Supreme Court. Somehow the whites on the reservation, for the most part, remain free from the jurisdiction of the court.

Another example of modern day tactics to bankrupt. A group of Indians formed a corporation to develop a tourist business along Interstate 90 and the Custer Battlefield. The author approached Mr. Harry Steinmetz, Vice-President, First Interstate Bank, Hardin, Montana for financing. He said the project had good possibilities, and that if whites were running it the bank would consider the project for a loan, but not so long as it was owned and operated by Indians. The project never obtained the financing to get going.

Finally, in 1988 the United States Supreme Court, by denying certiorari, in effect affirmed a Ninth Circuit ruling invalidating an attempt by the State of Montana to tax Crow coal (Crow Tribe v. Montana, 469 F. Supp. 154, Rev 650 F.2d 1104, am reh den 665 F.2d 1390, cert den 459 U.S. 916, on remand 657 F. Supp 573, Rev 819 F.2d 895, aff 108 S.Ct 685). This ruling meant the return to the tribe of over thirty million dollars from the state to the tribe. But immediately the BIA took the stand that the money could not go directly to the tribe. Richard Real Bird, Chairman of the Crow Tribe, and outspoken advocate for Crow sovereignty, ended up bringing suit against the BIA for destabilizing the Crow government. Factions fought, reminiscent of the days of the Wilson-Blake lease scandal, and the Helen Grey

affair where there were constant allegations that white ranchers, fearing funding of tribal government were backing the dissenters. Then, in the middle of all this, federal agents obtained search warrants and searched the tribal offices. These searches lead to indictments against Richard Real Bird and other tribal officials. No monies came. The lights and telephone are disconnected at the tribal offices for failure to pay bills. Whether planned or directed by whites it is not known. One thing is known for certain, the currant state of affairs achieves objectives of the whites of the past, that is to keep Crows bankrupt so they have no chioce but to accept the terms for white domination.

Secret Combinations On January 29, 1976, Clarence Beck, local hardware store owner, often handicapped in his attempts to repossess appliances from Indian customers on the Crow and Cheyenne Reservations, signed, under oath, the Articles of Incorporation of the Civil Rights Organization. He was the sole incorporator, the initial registered agent and one of the three persons named as the initial Board of Directors by those articles he signed. The annual report of the corporation to the Secretary of State of the State of Montana, filed October 13, 1977, and signed under oath by the treasurer of the corporation listed Mr. Beck's home address as the official address of theis corporation, him as its agent, and as one of its directors. The only specific purpose named for the existence of the corporation is that, "Said corporation is organized exclusively for charitable and educational purposes and including the defense of human and civil

rights secured by law."

One of the of CRO's first defenses of "human and civil rights secured by law" was its defense of immunity for whites from Crow regulation of fishing on the Big Horn River. The corporation made a party to the the action before the the United States Supreme Court. The case resulted in a holding that Crows did not own the bed of the Big Horn River and had no power to regulate whites fishing the river (450 US 544). Few people, especially Crows, and most especicially Crow leasors, know that the people who fought to take their river from them are their white neighbors who lease their lands.

And it is no accident that few people know anything about the CRO. When Mr. Beck, the incorporator and founder, was deposed on subject of his affiliation with CRO he reacted as follows:

Q. Ok. And, Mr. Beck, I am in possession of some documents that disclose that you were one of the organizers of a corporation in Montana called Citizens Rights Organization. Is that correct?

A. Well, I don't remember.

Q. I am going to hand you some some documents, I don't know if I will have these marked as an exhibit in here. This document purports to be an article of incorporation, you will see that the name of it is Citizen Rights Organization. On the last page there is a signature there, do you recognize that signature?

A. That's my signature, umhum.

Q. Does this document, do you want to look at that for a minute or so, Mr. Beck?

Q. And, does that help you recall that you were the incorporator of Citizens Rights Organization, back in 1976?

A. I don't know, I don't remember.

Q. You don't remember that?

A. Huhuh.

Q. Do you remember signing this document?

A. I don't remember signing it, it has been so long ago. (Clarence Beck Dep. 1987, 4,5)

This dialogue reminds one of interviews with members of the KKK. It is also reminiscent of the oath of the Montana vigilantes whereby members "solemnly swear that we will reveal no secrets" (Western Historical Publishing Co. 1907, 106). The similarity is significant, especially in view the opinion of Richard Brown, authority on vigilantism, who declared that, "Montana was a most significant vigilante state" and that the vigilante movement of Granville Stuart of 1884 "that claimed thirty-five victims, was the deadliest of all American vigilante movements" (Brown 1975, 101).

Thus, we can see Stuart spreading not only his views on Crows, but on vigilantism, and not only to the conventions such as the one in Chicago, but to later generations of Montana ranchers. In fact, it is amazing to observe how Montanans, even today, have a kind of hero-worship relationship to the vigilantees. This is no more evident than in the fact that today, 1989, the official insignia of the uniforms of every

highway patrolman of the state bears the marking, "3-7-77," which is the secret pass word of the 1865 vigilantes (Mueller 1980, 109).

It gets truly scary to learn that on August 19, 1985 seven ranchers of Big Horn County, in the tradition of their Granville Stuart, vigilante and rancher of a century earlier, met at the Public Health Services Building in Hardin, Montana, at 7:30 P.M. Ranchers present: Ed Whaley, Carroll Graham, Reiny Jabs, Hale Jeffers, Jackie Redding, Brad Spear, and Julianne Pitsch. The minutes of this meeting of the "Steering Committee" of the CRO state:

The Concerned Citizens' Committee hired a Private Eye to investigate Jim Reugamer and Clarence Belue. They need funds to continue this investigation so we are asked to contribute money towards this cause. Carroll Graham moved and Jackie Redding seconded that we donate \$5,000.00 to the Concerned Citizens' Committee. The information compiled concerning these two men will be taken to the Ethics Committee on the State level in hopes to prevent them from further disruption of the County (Pitsch dep. 1987, Exh. 3).

Jim Reugamer and Clarence Belue were then the elected county commissioner and county attorney respectively of Big Horn County, both elected by over 85% of the Indian votes cast in their election, and about 15% of the white vote, and both heavily supportive of Indian positions relative to equal employment opportunities for Indians in county hirings, police harassment, and failure to afford county services to Indians. Ruegamer and Belue's actions in these areas were causing "disruption" of the

"white" county. This secret group of ranchers set out to stop Ruegemer and Belue. The group's identity, membership, and activity, in this regard, has yet to be published in any newspaper in Montana; no investigations into the nature of the CRO have ever been conducted. In fact, when the moves against Belue reached the Commission on Practice of the State, at the demand of members of the CRO, Belue was by order of the Commission, and the Supreme Court, gagged from disclosing the discovery of the CRO and its activities relating to him that are contained herein (Belue 1987). The Commission, ordered that Belue "shall not disseminate the information obtained in the depositions of Merna Kincaid [Secretary of committee funded by CRO] and Renhold Jabs (Co-Chairman of committee) to the general public but shall only use said information in his own defense and disseminate the same to those parties assisting in his defense." This shows not only the secret nature of CRO, but it also demonstrates its power, apparently sufficient to induce abridgement of free speech, and public disclosure. The power generates from the simple fact that the group is composed of the leading citizens of the county. Whaley is now sheriff. Graham was state senator for over twenty years. Jabs ran for the state house of representatives in 1986 against the Indian candidate. Brad Spear runs the Scott Land and Livestock company for the power Scott family that owns banks in Hardin, Billings, and Sheridan, Wyo. surrounding the reservation.

Redding and Whaley started the movement against Belue the

first part of June, (Whaley dep. 1987, 20) immediately after the United States Supreme Court decision was handed down in NFU v. Crow Tribe, June 3, 1985 (471 US 845). Belue represented a Crow in this suit that sued whites in tribal court for torts committed against the Crow. The Supreme Court upheld, in principle, tribal court jurisdiction of whites on the reservation sued by Crows. This case was a fatal threat to the white empire because it stands for the proposition that Crows can bring lease disputes with whites into tribal court for resolution. This is a direct threat to their control of Crow land. It took them about a week to organize against the attorney who fought for the Crow victory in NFU.

Typical of a white collar vigilante group or secret combination, the CRO, with its shroud of secrecy, aided by public opinion of all of Montana against Indian self-government and sovereignty, and with Belue as an advocate for a group "whose political roots were shallow and whose institutional values were vulnerable" (Rosenbaum 1976, 114), this secret combination had no trouble tarnished Belue's reputation, and embroiled him in a costly and exhaustive fight with the Commission on Practice of the State of Montana for his right to continue the practice of law which lasted three years. CRO won merely by diverting his energies to his own defense instead of the Crow cause for return of land control.

Although identification of the group can not be made, it

appears quite certain that either the CRO, or groups like it, were at work against other Crow advocates and leaders. Janine Windy Boy, plaintiff in a federal suit against Big Horn County, and the local school district for discrimination in the form of federal voting rights violations (Windy Boy v. Big Horn County, 647 F. Supp. 1002 [1986]), had her garbage picked by the local sanitarian, who told her that the reason he was going through the stuff was because he had received reports that her garbage stunk (Windy Boy Interview, 1985). His explanation did not include the fact that his wife, Joyce Lippert, was the County Clerk and Recorder, principal defendant in the case, and a major perpetrator of discriminatory acts against Crows at the time Windy Boy v. Big Horn County 1986, Trans. Vol. III, pp, 469-492). About this same time the FBI investigated her for allegations that she, as president of the Crow owned tribal college had "misspent federal funds" (Ibid.) a charge utterly groundless. The only purpose the investigation served was to strike fear into Ms. Windy Boy, and her children.

Ruegamer, in addition to becoming the subject of the CRO led witch hunt complete with private eye, became the subject a an illegally conducted NCIC (nation wide) search for arrest records on him, apparently for use at election time. This illegal search was conducted by members of the local sheriff's department.

William P. Kreml, writing of the vigilante personality, said, "the vigilante leader is often established in a community business or trade" (Rosenbaum 1976, 50). That is precisely what

makes it so powerful and intimidating. When a group of all the respected citizens of a community point the finger at one person, and call him perverse, those in authority naturally believe. Vigilantes and secret combinations generally, and specifically groups like the CRO, are most effective in molding public opinion, intimidating the weak, and practicing oppression, because they enjoy respect and confidence from those in authority above them. No one with power stands as a check against them. The secrecy of the true nature of their behavior protects them from both punishment and public censor.

It is largely due to the CRO that whites have kept control of Crow lands during the 1980's, in spite of laudable efforts by Crows to re-take control.

Destabilization Early in 1987 the leaders of the Crow government proposed to enact a tax law for the reservation whereby real property would be taxed to support the operations of the government. The CRO went to work. By the date of a public hearing on the proposal at the tribal administration building, March 18, 1987, a show of white muscle was obvious. A petition of 49 pages, with well over 3,000 signatures was presented stating, that such a tax would be a detriment to all citizens of Big Horn County including "members of the Crow Tribe who will loose revenue because of the lessened ability of lessesss to pay current lease rentals or the inability for lessesss to continue leasing" (Jeffers 1987).

The next day the Billings Gazette ran an article quoting United States Senator John Melcher who had a statement read at the meeting. As quoted by the Gazette he said:

"Without a chance to vote on taxes that they must pay American citizens will rebel," he said. "Non-tribal members obviously have no chance to vote on these taxes proposed by the tribe."

He also appeared to give a warning. The Supreme Court may have declared such taxes legal, he said, but: "Congress can act to limit Indian imposed taxes on Indian reservations."

The interesting thing about Gazette coverage is that nowhere in the article is the plight of the Crows covered, that is, their need for revenue to cover the cost of governing themselves. The emphasis stayed with the question of white interests. Even Indians were quoted as saying, "Don't penalize our own people" referring apparently to the threat of the petition to withdraw lease money for tribal members.

The tenor of Melcher's remarks smells of the CRO arguments. Reiny Jabs of the Steering Committee was present. But the giveaway is the fact that Hale Jeffers, who succeeded Whaley as president of CRO certified authenticity of copies of the petition presented. The white presentation was staged by the CRO to show white muscle, and to take the headlines in the newspaper. They were successful.

The result was that the Crows became divided between those who realized they could never be free of white domination, and gain economic independence until they raised their own revenues,

and those who bought the white threats of the CRO and Melcher to cut off lease money and go to Congress if they taxed whites. Whites, by threatening economic and political reprisals, as the price of sovereignty or self-government, were able to divide the tribe. Thereby, leadership which proposed the tax, lacked sufficient stability or strength among their own people to take the steps that would provide a means of financing an independent Crow government.

Other means of destabilizing Crow leadership include those already mentioned under the bankruptcy heading. During these periods that the government lacks funds, the officials and employees actually come to work as volunteers in the hope that when funding is obtained the tribe will give them current wages earned and their "back pay." This government of volunteers during hard times is laudable, but it is ineffective. No real work is done as no one is certain about the future. Instability is a mild description of state of the government.

As mentioned above, Richard Real Bird has sued the BIA, alledgeing that the federal goveernment is purposely withholding Crow funds to destabilize the tribal government whereby it can be molded according to white interests. Mr. Real Bird suspects that the principal opponents of his campaign for sovereignty, a faction lead by Clara Nomee, Tribal Secretary, is funded by white interests, but no proof has been found. Nomee's attorney is Tom Towe, former state senator and the author of the severance tax on

coal whereby the state attempted to take tribal assets via taxation. It seems almost certain that the whites, probabably through their organization, the CRO, like their funding of the smear campaign against Belue and Ruegamer, are funneling money into the destabilization effort against Crow leadership, but proof of this belief is lacking beyond the circumstantial evidence here presented.

Devices The overlapping lease and the sales contract provision that includes the "sale" of leases are alive and healthy in 1989. These devises are keys to white domination of Crow lands. As Crows are necessary signatories before any of these devices can be effective, it seems that ways of breaking their hold over the Crow people can and ought to be devised. Proposals for doing so are set forth in the conclusion section of this paper.

Skimming Since 1851, when Crow Country was recognized by the treaty of that year to include 38 million acres and virtually 100% under the control of the Crows, the land "cream" has been skimmed off the milk until only 2.2 million acres are left. Even more tragic, is the fact of 95% of this remainder is under white control.

A classic case of white skimming in modern times is the taking of the Big Horn Canyon for a dam and recreational site. The canyon has walls rivaling the Grand Canyon in both height and beauty. In the the 1950's whites started to clamor to build a dam at the head of the canyon. It would creat a lake some 50

miles long all the way into Wyoming. Whites saw it as a fisherman, boating recreational paradise. The Chambers of Commerce of Hardin, Billings, and Lovell, Wyoming went to work. The Crows resisted, or at least asked that the site be only leased, so as to give them revenues in perpetuity, but of course that idea produce perpetual revenue and stablility for the tribe, and thus was unacceptable to whites. They brought tremendous pressure on tribal leaders, and Washington which culminated in an "agreement" whereby Crows not only gave up the lands of the canyon area but the right to the power generation potential and general jurisdiction over the area. The whole controversey and its resolution was well documented by William M. Brooke in a paper written for the Department of History, Carroll College, Helena, Montana, wherein he concluded: "The Yellowtail Dam controversey of the 1950's is but one classic example of the federal government taking Indian land through political pressure" (Brooke 1981, 49).

Another petty, but significant example of skimming occurred in 1985. The Crow fair is a yearly gathering of Indians from all across the United States at a pow wow ground of the Crow Tribe located near the Custer Battlefield. As many as 1,000 teepees are erected for housing participants in the event. Native dancing, parades, rodeo, and other traditional events mark the occasion. It has become a tourist event of great interest.

The Hardin Area Chamber of Commerce decided that year to make a video of different tourist attractions of the area for

dessemination to propsective patrons. They asked officials of the Crow Fair for permission to video portions of the fair. Crows saw an opportunity to make money for the fair and asked for a fee for such rights. The whites were agast. They build their tourism promotions on Indian themes, but are unwilling to pay the Crows for use of "Indianness." Why? Because to do so would be an act of reciprical trade, treating Crows as equals. The whites expressed shock and contempt for the Crows for asking for part of the pie, and ended negotiations. Apparently they will wait until they can get what they want for free, as they are used to doing.

Mention has already been made of the "River Case" of 1981 "taking" the bed of the Big Horn river from Crow control. The attempts by the state of Montana to tax Crow coal also represent an attempt to skim part of the rights of Crow land ownership.

The most recent, and now ongoing controversy is the one related to white desires to locate a museum near the Custer Battlefield, already mentioned above. When whites first clamored for the museum Crows reacted by passing a tribal zoning ordinance placing such developments under the regulatory powers of the tribe, and its Cultural Commission. Whites were outraged, until the decision of the United States Supreme Court in Brendale case cited above, holding that Indian tribes can not zone areas of reservation primarily settled by whites where no tribal interest is involved. This ruling has apparently given the whites great courage, because before the ruling they continued negotiations

with the tribe to try to work out an agreement for development of museums; since that ruling, they have announced unilaterally their plans to build, apparently ignoring Crow regulations and interests.

A person viewing the taking of so much from the Crows over the years, with so little in return, comes to wonder when the end will come. Will the Crows finally disappear, and will all their lands and the resources totally fall to whites? Or, will some point of balance, of acceptance by whites of the right of Crows not only to exist, but to exist with dignity and prosperity, be finally recognized? It seems so fundamental to human rights that a people with a national identity proven many many times, and most often against all possible odds, and most oppressive circumstances, should be finally recognized and encouraged to live free and prosperate as a separate and free people, especially by Americans, who are suppose to stand for freedom and independence. But it is far from assured, as whites keep skimming the property rights in Crow lands.

CONCLUSIONS

The primary thesis of tribal religions, the relationship of a particular people with a particular land, and the belief of many tribal religions that certain places have special sacred significance must itself be tested in the years ahead. Young Indians must once again take up the vision quests, the search of revelations and dreams, and the responsibility to make the tribal community come alive as a community even with the tremendous hurdles that exist in the modern world.

* * * *

The problem of relating to a place's spirit or alternatively bringing a spiritual reality to a particular place is yet to be understood in the sphere of religious thought. That a fundamental element of religion is an intimate relationship with the land on which the religion is practiced should be a major premise of future theological concern (Deloria 1975, 269,270,296).

* * * *

The fundamental question of economic stability on the reservations revolves about the dilemma of whether the land is to be exploited, and therefore simply another corporate form of property, or to be a homeland, in which case it assumes mystical focal point for other activities that support the economic stability of the reservation society (Deloria 1984, 258).

Associated with the sacred tobacco society ceremony making Crows and their lands one and the same, is the prediction that if the day comes that the plants are not grown and nurtured by the people they will cease to exist as a nation (Nabokov 1988, 365). Crows have not grown the plant since the 1950's (Ibid.,392). Some Crows fear this state of affairs, especially in view of the

fact that all the seeds now in bundles have long since lost vitality for planting. Is the tribe doomed?

Circumstances certainly seem discouraging at times, but there is a much more optimistic view, which Crows can take. They can realize that the planting ceremony is symbolic of real life, of themselves, of the nurture they, themselves, receive by being "planted" in their land. It seems that only if the Crow people, the objects symbolized by the tobacco, are uprooted from their lands, will they will cease to exist as a people. It is possible to get other tobacco seeds and revive the ceremonial planting; it is the the "real" planting, that of the people in their lands, that is in danger of being lost, not the symbolic planting represented in by the tobacco ceremony. Whites have longed for Crow lands from the beginning. History has proved that right up until today, whites have been, and now are organized, educated, and funded for take over; they some times act slowly, but they continue to move relentlessly toward total power over Crow lands. Crows must plant themselves more firmly, and never give up the fight they have been fighting for centuries to protect Crow Country.

It is hoped that whites will some day realize that they could, if they wanted to, exist with Crows, and share the land, but they seem bent on total control, and extinction of the Crow Nation. Whites seem incapable of altering their thinking. As Douglass said, in lamenting white domination of Blacks, "They

love the heathen on the other side of the globe. They can pray for him, pay money to have the bible put into his hand, and missionaries instruct him; while they dispise and totally neglect the heathen at their own doors" (Douglass 1846, 122).

At least for practical purposes, Crows ought not to look to a change of heart among whites, or the benevolence of the Congress of the United States, for power over their lands. They must realize that they must act now, alone, but united, if they are to save Crow Country and themselves as a nation of distinct people.

Specific goals ought to be achieved. A list that will give them some food for thought is as follows:

1. Enact a tax on all reservation lands to fund the operation of the tribal court. In this way good judges can be obtained who will exercise fair judicial power over lease disputes and thereby bring equity into the leasing "racket" whereby whites control virtually the whole reservaton.

2. Enact a tribal ordinance that requires all competent leases to contain provisions whereby the leasee agrees to submit lease disputes to the jurisdiction of the tribal court, and furthermore disavow affiliation with or support of any organization, including the CRO, with purpose to oppose in any way tribal sovereignty and self-government or any of its appendages. This will bring members of the CRO out of the closet. They will have to defend their anti-Indian position for just what it is, a ploy for Crow land control. Crows need not be

ashamed of their desire to control their own lands, and whites should be ashamed of their greedy motives.

3. Those who will not sign such leases and who continue to oppose Crow sovereignty should have their names published so that all know who they are. A tribal ordinance ought to require immediate cancellation and voidance of all their existing leases. They should be boycotted until they are willing to accept the right of Crows to govern themselves on their own reservation. Whites need to learn that it is not unfair to be taxed and ruled by the Crows in Crow Country. Public opinion must be changed until whites realize the rule of thousands of years ago, "When in Rome, do as the Romans do."

4. Remembering that Congress ultimately makes Indian policy, and could wipe away all sovereignty by one vote, a powerful pan-Indian lobby for sovereignty needs to be built, one that will secure and maintain self-government for all tribes.

5. Revive, both the tobacco planting ceremony and the peace pipe usage to bring back the sense of unity and tranquility that was, in the past, so characteristic of Crows especially in times of friction and discord. The offering of the pipe ought to be the fail-safe that would avoid the factionalism so conducive to white oppression. If, Medicine Crow was correct when he said that the land is life to the Crow, then saving the land is a matter of life and death. Renew the ceremony No Vitals received, the sacred tobacco planting ceremony, that helps the

Crow cultivate themselves to their lands. Keep peace within the Crow Nation, as it is surrounded by a larger force of enemies better organized, more cunning, more subtle, and more secretive, than ever before.

6. Search for a new way to choose moral, good men, for tribal leaders, like the chiefs of old were recognized, by proving themselves on the field of battle. A way is needed to count "coos" of those who are not selfish, given to alcoholism, who will keep always the welfare of the tribe utmost in their deliberations, as if they were the camp chief choosing the next site for hunting, knowing that the welfare of the people depend upon him.

7. Prepare for the population shift that is coming by training leaders for not only the Crow Reservation but all of Big Horn County and the State of Montana. Studies of the Little Big Horn College show that by the year 2025 the population of Crow Tribe will be 17,523 and that of white Big Horn County will be 2,957 (Little Big Horn College 1989). The day is fast coming when sheer numbers will place power into the hands of the Crow, if they will take it.

Denig predicted the future of the Crow, in 1856, saying, "Situated as they now are, the Crows cannot exist long as a nation. Without adequate supplies of arms and ammunition, warred against by the Blackfeet on one side and most bands of the Sioux on the other, straying along the Platte trail where they contracted rapid and deadly diseases, together with the unnatural

costoms of destroying their offspring, will soon lead to their entire extinction" (Denig 1856, 204). An even greater attack, that of the whites, has, at least until today also been miraculously , but only slightly repelled--factionalism. Inspite of all the losses of Crow Country, the Crows survive. They are truly a great people. The fact that they still exist is proof of it. It is hoped that it is also reason enough for their freedom. Whether they obtain it or not, will be measured by the degree to which they are able to take back control of their land.

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