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**TESTIMONY OF
FRANK STAR COMES OUT,
PRESIDENT, OGLALA SIOUX TRIBE**

BEFORE THE

**COMMITTEE ON NATURAL RESOURCES,
SUBCOMMITTEE ON INDIAN AND INSULAR AFFAIRS,
OF THE UNITED STATES HOUSE OF REPRESENTATIVES**

ON THE

**WOUNDED KNEE MASSACRE MEMORIAL AND SACRED SITE ACT,
H.R. 3371**

JUNE 7, 2023

Chairwoman Hageman, Ranking Member Leger-Fernandez, and members of the Subcommittee, thank you for allowing me the opportunity to testify today concerning H.R. 3371, the Wounded Knee Massacre Memorial and Sacred Site Act. I am the President of the Oglala Sioux Tribe and it is my privilege and honor to appear before you today to testify in support of this important bill.

INTRODUCTION

In October 2022, the Oglala Sioux Tribe and the Cheyenne River Sioux Tribe came together to purchase a 40-acre parcel of land at the site of the Wounded Knee Massacre of December 29, 1890. The land had been owned by non-Indians for many decades. By working together, our Tribes were able to bring ownership and stewardship of the land back to our people. This was an historic event for our Tribes, one we hope will lead to true healing for the descendants of victims and survivors of the Wounded Knee Massacre.

The Oglala Sioux Tribe and the Cheyenne River Sioux Tribe reclaimed this sacred ground for the benefit of all members of the Great Sioux Nation (which we refer to as *Oceti Sakowin*, which means “Seven Council Fires”), including all descendants of victims and survivors of the Wounded Knee Massacre. We have pledged, through a binding covenant, that the land will be held in perpetuity as a memorial and sacred site, without commercial development. It is hallowed ground and it will always be honored and respected as hallowed ground.

The Wounded Knee Massacre Memorial and Sacred Site Act is the next step in the healing process. It directs the Secretary of the Interior to take all actions necessary for this land to be held in restricted fee status by the Oglala Sioux Tribe and the Cheyenne River Sioux Tribe. This is important for our people because it means the land will be protected by all Federal laws relating to Indian country, including the restriction against alienation in 25 U.S.C. § 177. It will also be free from state and local taxation and interference.

The Act recognizes that the land is within the Pine Ridge Indian Reservation of the Oglala Sioux Tribe, and it is also within the treaty-protected territory of the *Oceti Sakowin*, as recognized and affirmed in the Fort Laramie Treaties of 1851 and 1868 between the United States and the *Oceti Sakowin*. Federal allotment policies of the late 19th and early 20th centuries allowed the land to fall into non-Indian ownership, but now, with the aid of H.R. 3371, the land never will be lost again. It will be restored to its original status as Indian treaty land and it will be forever protected from alienation from tribal ownership.

The remainder of my testimony is divided into three parts: part one provides important historical information on the Oglala Sioux Tribe and the *Oceti Sakowin*; part two addresses the Wounded Knee Massacre of December 29, 1890; and part three addresses the important role the reclamation and protection of land at the Wounded Knee Massacre site plays in the spiritual healing of the *Oceti Sakowin*.

I. THE OGLALA SIOUX TRIBE AND THE *OCETI SAKOWIN*

The Oglala Sioux Tribe is a federally recognized Indian Tribe, a constituent Tribe of the Great Sioux Nation, which, again, we refer to as *Oceti Sakowin*. We are a signatory to the Fort Laramie Treaty of 1851, 11 Stat. 749 (Sept. 17, 1851), and the Fort Laramie Treaty of 1868, 15 Stat. 635 (Apr. 29, 1868).

The *Oceti Sakowin* is composed of the *Dakota* (*Santee*), *Lakota* (*Teton*), and *Nakota* (*Yankton*). The names *Dakota*, *Lakota*, and *Nakota* mean “considered friends,” and, together, the *Dakota*, *Lakota*, and *Nakota* form the “alliance of friends.”

Historically, the *Oceti Sakowin* exercised its sovereign powers on matters of national concern through the *Oceti Sakowin*, or Seven Council Fires of the *Oceti Sakowin*.

The *Lakota* are one of the Seven Council Fires of the *Oceti Sakowin*, and in turn, the *Oglala* are one of the seven bands of the *Lakota*. The *Oglala* are the people of Crazy Horse, Red Cloud, Little Wound, and American Horse, and many other noted leaders.

In the Fort Laramie Treaty of 1868, the United States promised that all land west of the Missouri River in present-day South Dakota, together with other designated lands, would be “set apart for the absolute and undisturbed use and occupation” of the *Oceti Sakowin* as a “permanent home.” Arts. 2 & 7. The United States also promised in the Treaty that war shall “forever cease” with the *Oceti Sakowin*. Art. 1.

The United States broke the Treaty by invading treaty lands and waging war against our people. After the defeat of the United States and the Seventh Cavalry at the Battle of Little Bighorn in June 1876, Congress attached a “Sell or Starve” rider to the Indian Appropriations Act of 1876, 19 Stat. 176, which cut off rations to our people in an attempt to coerce us to sell the Black Hills to the United States. Yet, we stood firm, and the United States was unable to secure our consent to the sale of the Black Hills. We said then—and we have repeated for generations—that the Black Hills are not for sale.

In the Act of February 28, 1877, 19 Stat. 254, the United States stole the Black Hills and other lands from the *Oceti Sakowin*. The United States Supreme Court acknowledged the illegality of the taking of the Black Hills in the case of *U.S. v. Sioux Nation*, 448 U.S. 371 (1980). Later, through the Act of March 2, 1889, 25 Stat. 888, the United States divided the *Oceti Sakowin* into separate Tribes at separate reservations.

Today, there are sixteen federally recognized Sioux Tribes on sixteen reservations in the Dakotas, Minnesota, Montana, and Nebraska. Our *Oglala* people are now organized as the Oglala Sioux Tribe of the Pine Ridge Indian Reservation in South Dakota and Nebraska. The other bands of the *Lakota* are the Cheyenne River Sioux Tribe of the Cheyenne River Indian Reservation in South Dakota (*Itazipco*, *Miniconjou*, *Oohenumpa*, and *Siha Sapa*), the Rosebud Sioux Tribe of the Rosebud Indian Reservation in South Dakota (*Sichangu*), and the Standing Rock Sioux Tribe of the Standing Rock Indian Reservation in North Dakota and South Dakota (*Hunkpapa*).

Despite our geographic separation, the *Oceti Sakowin* continue to unite on matters of national concern. For example, the *Oceti Sakowin* fought for redress for the taking of the Black Hills for over a century, eventually winning the largest Indian claims judgment ever awarded against the United States. We declined to accept the award because it did not include the return of land by the United States, and together, we continue to seek the return of the Black Hills.

Our Sioux Tribes have come together on many other matters, including the defense of sovereignty and self-government against the assertion of state jurisdiction under Public Law 83-280, the protection of our water and natural resources through the Great Plains Water Alliance, the defense of Indian interests under the Indian Child Welfare Act, and inter-tribal coalitions against domestic violence.

Today, the *Lakota*, *Dakota*, and *Nakota* of the *Oceti Sakowin* are represented in the Great Plains Tribal Chairmen's Association, an intertribal corporation organized under Section 17 of the Indian Reorganization Act of 1934 to promote the sovereign interests of Tribes of the *Oceti Sakowin* and the Great Plains region.

The purchase of land at Wounded Knee is the latest example of our Tribes coming together to protect the rights, interests, and sacred lands of the *Oceti Sakowin*.

II. THE WOUNDED KNEE MASSACRE OF DECEMBER 29, 1890

The Wounded Knee Massacre is one of the darkest events in the histories of the United States and the *Oceti Sakowin*. It was a senseless, cruel, and unjustifiable massacre of hundreds of Indian men, women, and children by the Seventh Cavalry.

Shortly after the massacre, General Nelson A. Miles, the commanding officer of the Military Division of the Missouri in the U.S. Army, described the massacre as "the most abominable, criminal military blunder and a horrible massacre of women and children."¹ Years later, General Miles told the Commissioner of Indian Affairs that the massacre was "most reprehensible," "most unjustifiable," and "worthy of the severest condemnation."² We agree.

Our people have grieved for well over a century the loss of life and the genocidal attack on our people and our way of life that took place at Wounded Knee. The Oglala Sioux Tribe has called upon the United States to atone for the massacre, and our calls for atonement have been echoed by the Wounded Knee Survivors Association, the

¹ General Miles Letter to Mary Miles, Jan. 15, 1891, *quoted in* Virginia Johnson, THE UNREGIMENTED GENERAL: A BIOGRAPHY OF NELSON A. MILES 294 (Boston, 1962).

² General Miles Letter to Commissioner of Indian Affairs, Mar. 13, 1917, *quoted in* Elain Goodale Eastman, *The Ghost Dance War and Wounded Knee Massacre of 1890-91*, NEBRASKA HISTORY, XXVI 39 (Jan.-Mar. 1945).

National Congress of American Indians, our sister Tribes, and many other Tribes and organizations.

In Senate Concurrent Resolution 153 of the 101st Congress (Oct. 25, 1990), the United States Congress acknowledged the “tragedy” and “historical significance” of the Wounded Knee Massacre and expressed its “deep regret” to our people and in particular to the descendants of the victims and survivors for this terrible tragedy. Congress found that, on December 29, 1890, the United States Cavalry engaged in “armed conflict” against Sioux Indians gathered at Wounded Knee, “resulting in the tragic death and injury of approximately 350-375 Indian men, women, and children.”

Senate Concurrent Resolution 153 was an important step in the healing process. We believe H.R. 3371 represents another important step in that process. Through this important bill, the United States is recognizing the sacred nature of our Wounded Knee land and agreeing to use the full weight of American law to protect that land, safeguarding it from state and local taxation and protecting it against alienation without our consent.

III. THE RECLAMATION OF SACRED LAND AT WOUNDED KNEE AND THE HEALING OF OUR *OCETI SAKOWIN*

Wounded Knee, known as *Cankpe Opi* in *Lakota*, is a sacred site for the Oglala Sioux Tribe, the Cheyenne River Sioux Tribe, and the *Oceti Sakowin*. The Oglala Sioux Tribe and the Cheyenne River Sioux Tribe reclaimed 40 acres of land at Wounded Knee for the benefit of the *Oceti Sakowin* and, together, we pledged that the land will be held in perpetuity as a memorial and sacred site, without commercial development.

The Wounded Knee land will be used for sacred purposes and remembrance, including ceremonies and prayer, and the descendants of victims and survivors of the Wounded Knee Massacre will be consulted about the proper care and maintenance of the land as a memorial and sacred site and about the ceremonies and activities to be conducted on the land.

We are pleased that Representative Dusty Johnson (R-SD) has introduced H.R. 3371 to place this sacred land in restricted fee status and to protect the land from alienation and outside interference and control. This is an important step for the healing of the people of our *Oceti Sakowin*. This is an important step in the histories of the United States and the *Oceti Sakowin*. And, this is an important step for our government-to-government relationship.

CONCLUSION

We respectfully ask the Indian and Insular Affairs Subcommittee—and the Committee on Natural Resources—to approve H.R. 3371 and to work diligently with the rest of Congress to enact this important and historic bill during this session of Congress.