South Dakota Book Festival
Saturday, September 29, 2012

Thank You and Good Afternoon. It is indeed my pleasure to have the opportunity to talk with you today about my book *Dammed Indians Revisited*. I felt exceedingly honored when I learned that the Humanities Council and the Center for the Book had selected it for their 2012 One Book South Dakota program. But, admittedly, I was also quite surprised. Because while I hope that readers find it to be well-written and informative, it is, after all, a very academic non-fiction book that was based essentially on a doctoral dissertation and it gets way down in the weeds on a lot of topics. Which means that it is not always particularly easy to read.

Realizing this, I especially appreciate the fact that the Council chose my work for its One Book program and I am grateful to all of you that have read any part of it. I think the building of the Pick-Sloan dams was one of the most important historical events that took place in South Dakota in the 20th century. The story of how the dams impacted Native American communities, lands, and resources is one that needed to be documented, and I am happy that I had the opportunity to both write that original history and then update it some 25 years later.

I also feel a great amount of pride for the South Dakota State Historical Society Press because this marks the first time that one of its publications has been selected as the South Dakota One Book. I have been

an active member of the Historical Society for almost 40 years and I cannot adequately express how impressed I am with the quality of its publications. During the 15 years that it has sponsored its own book publishing press, it has produced many remarkable books and has won numerous awards. The selection of my work as this year's One Book gave the Press a very special boon because it provided it with the opportunity to issue a special edition of the book and have it widely distributed. That makes me especially grateful that editor Nancy Koupal accepted my proposal to publish the revised edition of *Dammed Indians* and that the South Dakota State Historic Preservation Office agreed to help underwrite the publication with funding received from the National Park Service. And then it all came together and was topped off when Senator George McGovern agreed to write a new forward for the revised edition.

What has evolved as *Dammed Indians Revisited* was developed during several distinct stages of my life:

First, Between 1971-73, I wrote a master's degree thesis at the University of Nebraska at Omaha on the impact of the Oahe Dam on the Cheyenne River Sioux Reservation.

Then, Between 1974-1978, I wrote doctoral dissertation at the University of New Mexico that expanded my MA thesis to include the impacts of four of the Pick-Sloan dams on seven of the Sioux reservations along the river. In 1982 the University of Oklahoma Press published my dissertation under the title

Dammed Indians: The Pick-Sloan Plan and the Missouri River Sioux, 1944-1980, with a foreword by the Sioux scholar, Vine Deloria, Jr. It was I who chose the word-play title of *Dammed Indians.*

Many Years Later, Between 1995-1998, I conducted more research on the impacts of dam projects on behalf of the Cheyenne River, Crow Creek, Lower Brule, Yankton, Rosebud, and Santee Sioux tribes as part of their efforts to obtain further compensation from Congress for their Pick-Sloan damages.

Then, Between 2002-2010, I wrote about the successful efforts of the tribes to gain further compensation from Congress. I also gathered new information about the issues that have evolved in regard to the Corps management of the Pick-Sloan Plan. In addition, I described how the tribes have finally been able to take advantage of the some of the benefits promised by the Plan more than a half century ago. This new writing and research turned into six new chapters that I added to the original editions of my book, along with several updates of the original text and that is why this new edition is entitled *Dammed Indians Revisited.*

For today's presentation, I am going to provide you with a snapshot of how the Sioux utilized the Missouri River and the riverine environment of the bottomlands prior to the construction of the dams. Then, I am going to address the impacts of the Pick-Sloan dams on the Sioux tribes by summarizing the original story of *Dammed Indians*, especially for the benefit of those of you who have not read the book. And finally I am going to

conclude by talking a little bit about what is new in the revised edition or, in other words, some of the developments that have taken place since 1980.

But first, I would like to assure you that my choice to focus on the impacts of the dams on the Sioux tribes should not, and was not intended to, diminish or obscure in any way the anguish and hardship that Pick-Sloan has also inflicted on many non-Indian families and communities.

As I point out in the book, most the Sioux tribes ended up having an advantage over non-Indian property owners in dealing with the Corps. Because of the tribe's treaty rights and special status as wards of the government, Congress intervened in most cases to provide the tribes with a final settlement. As a result, the Sioux generally received better settlements than their non-Indian neighbors, although they certainly did not have the same opportunity to move to land of comparable value if they stayed within the diminished reservations.

In regard to the topic of how the Sioux utilized the Missouri River and its environment prior to dam construction, the best information I was able to collect comes from the extensive interviews I was able to conduct in 1998 with elders and other former residents of the village of White Swan on the Yankton Sioux Reservation in SD. I consider the chapter that I wrote based on these interviews to be the most poignant part of my new edition.

White Swan was a traditional and self-sustaining community that was completely inundated in the early 1950's by the reservoir created by the construction of the Fort Randall Dam.

Unlike all the other tribal communities impacted by the dams, where all or part of the community was relocated to higher ground, the community of White Swan was completely dissolved and its residents dispersed to whatever other area offered housing or land, including other inland communities on Yankton and other reservations.

When I talked with the former residents of White Swan about what their community was like, I was at once struck by the fact that what they were describing more closely resembled a rural community of the 19th century rather than one of the late 1940s and early 1950s

Most families lived in small log cabins or unpainted frame houses, some with dirt floors. A few lived in tents year-round, while others did so at least part of the year. None of the homes had electricity or indoor plumbing. And only a few homes had water wells. Perhaps 3-4 families had motorized vehicles, while most people got around on foot, on horseback or in horse-drawn farm wagons.

For the most part, these people coexisted in harmony and cooperated in a number of economic and social activities. They maintained small farms and gardens and raised livestock, and shared their labor, natural resources, and improvements in what was truly a subsistence economy.

The residents of White Swan were almost totally dependent on the Missouri and its tributary creeks for their water supply. Water was hauled from the river in wooden barrels and distributed to most of various small farms in a similar manner. Residents believed that the Missouri's rapid current and sands purified the water and none could recall anyone getting sick from drinking river water.

In winter, some individuals cut blocks of ice from frozen creeks the river and hauled them home. These ice blocks were stored in cellars, covered with sawdust, the used to keep food chilled during warm weather.

Unlike many of the other Sioux tribes along the Missouri, the Yankton Sioux, in common with the Santee Sioux here in Nebraska, fished for subsistence, and fish had been a staple of their diet historically

Fish were an abundant food source, and tribal members used pole lines, set lines, and nets to catch primarily catfish and northern pike. They also harvested fish left trapped on land after the river receded from high water or a flood. Community fish fries were common and popular social events, as one family might catch up to one hundred fish and share the bounty with others. Fish not consumed immediately were dried and stored for later use.

Driftwood from the river was the preferred source of fuel at White Swan, because it was thought to burn better than dead and down timber from the bottomlands and cut wood.

The people of White Swan, a well as most of the residents of the Yankton Reservation, took advantage of the natural resources of the fertile and timbered bottomlands along the Missouri and its tributary creeks.

The people gathered dead and down timber from the bottoms and cut and stacked green willow and cottonwood trees during the summer, allowing the wood to dry until winter. Families cooperated in gathering, cutting, and storing wood. Those who had horse-drawn wagons hauled timber from the bottoms and distributed it throughout the reservation.

White Swan families raised a variety of farm animals. Some families let their livestock take shelter in the bottomlands, while others maintained barns and other outbuildings. Surplus meat, milk, and eggs were sold in nearby towns or traded for commodities that could not be grown or harvested on the reservation. People butchered their livestock and stored the meat as best they could. Families planted and harvested a variety of crops using antiquated horse-drawn machinery. In addition, they maintained large home gardens. They supplemented what they raised with food resources obtained from the bottomlands.

A generous supply of wild fruit, vegetables, herbs, and other useful plants grew in the bottomlands. The gathering and preserving of these resources was a traditional part of the culture of the Yankton Sioux. Tribal members from all over the reservation came to the White Swan area to gather these resources. The edible plants that grew in the bottomlands added

variety and bulk to their diets. These plants were eaten raw, dried and stored for winter, made into soups, sauces, syrups, and jellies, or mixed with other foods to add flavoring.

The Yankton people also gathered a variety of wild plants for medicinal and ceremonial use. The community still had a few traditional medicine people, or healers, who were knowledgeable about herbal cures, but did not often divulge their secrets. Yet even the average family knew about herbs, roots, or leaves that could help to remedy common ailments.

The wooded bottomlands also served as a shelter and feeding ground for many kinds of wildlife and game birds. The hunting and trapping of this game provided the Yankton Sioux with an important source of food, income, and recreation. Some of the older men made their living trapping beaver, muskrat, skunk, otter, and mink. They sold the pelts in town and ate the beaver and muskrat meat.

I was not able to collect much information about how the White Swan residents may have used the Missouri for recreational purposes. However, the information I collected from residents of the other Sioux reservations impacted by the Pick-Sloan dams indicated that swimming, boating, and sport fishing in the river were as a rule, not common activities.

The transformation that took place specifically at White Swan as a result of dam construction was dramatic. The site that the Corps of Engineers selected for the Fort Randall Dam turned out to be partially

located on the Yankton Reservation, upstream from White Swan. The Corps entered the Reservation as early as 1945 to conduct land surveys and engineering studies and develop access roads and other project infrastructure without prior consultation with or consent from either the Secretary of the Interior or the Yankton Sioux Tribe.

The Corps exercised the right of eminent domain to seize the reservation parcels needed for the project through condemnation proceedings in U.S. District Court. It succeeded in gaining declarations of taking from the Court, despite the fact that treaty provisions and prior legal precedents had established that tribal lands could not be condemned without specific and unambiguous authorization from Congress. The Flood Control Act of 1944, which approved implementation of the Pick-Sloan Plan, had not provided such authorization.

As I have already noted, the White Swan community was completely dismantled or otherwise destroyed and its residents were forced to relocate to wherever they could find housing. The majority of people moved to the inland communities of Lake Andes and Marty, SD. Many moved into a Lake Andes motel that had gone bankrupt. Several leased or purchased one or two-room tract houses that came to be called "the Lake Andes shacks." In one of these, fourteen family members occupied a two-room house.

Land and possessions were not the only issues involved in relocation of the White Swan community. Most distasteful to the Yankton Sioux, who

strongly believed that the dead should remain undisturbed, was the necessity of moving two cemeteries and a number of isolated burials. A total of 509 graves were relocated, most from the St. Philips Episcopal Cemetery. These were relocated, along with the Church itself, to the community of Lake Andes.

So now I would like to turn to the bigger picture of the original story of *Dammed Indians* and then talk a little bit about what is new in the revised edition or, in other words, some of the developments that have taken place since 1980.

The development of the Pick-Sloan Plan represented a compromise between the separate water resources programs designed by Colonel Lewis A. Pick of the Army Corps of Engineers and William Glenn Sloan of the Department of the Interior's Bureau of Reclamation. The Pick Plan was primarily concerned with the development of flood control measures to protect the Lower Missouri Valley. The Sloan Plan was preoccupied with water storage facilities to increase irrigation in the Upper Missouri Basin. Although these seemingly conflicting plans were proposed by two powerful Federal agencies traditionally at odds, a remarkable conciliation of the two plans was rather quickly achieved at a conference in Omaha in October 1944 and rather hastily approved by Congress two months later as part of the Flood Control Act of 1944. This modern "Missouri Compromise" was accomplished partly as a result of the urgent demand for Federal action that

followed the disastrous Missouri River floods of 1943 and 1944. It also represented an attempt to head off support that was growing for an alternative plan to develop a Missouri Valley Authority (MVA) –an independent public corporation patterned after the highly successful Tennessee Valley Authority (TVA).

Although it should have been obvious to everyone that the Pick-Sloan dams on the Missouri were going to negatively impact the Indian reservations along the river, none of the tribes were consulted prior to the enactment of the legislation. Neither the Secretary of the Interior nor the Bureau of Indian Affairs offered any objections to the legislation.

The Flood Control Act of 1944 did not provide for the protection of the priority Indian water rights established by the U.S Supreme Court in the *Winters* decision of 1907. Neither did the statute specifically authorize the Corps of Engineers to take Indian tribal lands, despite the fact that treaty provisions as well as legal precedent established by the Supreme Court required specific and unambiguous Congressional authorization for the condemnation of tribal lands.

The Pick-Sloan Plan eventually developed the largest reservoir system in North America. And the large dams constructed under Pick-Sloan caused more damage to Native American lands and resources than any other public works project in the United States.

The Corps of Engineers built five dams on the Missouri's main-

stem that destroyed over 550 square miles of tribal land in North and South Dakota and Nebraska and dislocated more than 900 Indian families. Most of this damage was sustained by the seven Sioux reservations that are the focus of my books: (1) Standing Rock and (2) Cheyenne River, reduced by the Oahe project; (3) Yankton and (4) Rosebud, affected by the Fort Randall Dam; (5) Crow Creek and (6) Lower Brule, damaged by both the Fort Randall and Big Bend projects, and (7) Santee, impacted by the Gavins Point project. Of these Sioux reservations, Cheyenne River sustained the most damage, losing over 104,000 acres, and Santee the least, losing just less than 600 acres.

Army dams on the Missouri's main-stem in South Dakota and Nebraska inundated more than 203,000 acres of Sioux land. Approximately 600 families were uprooted and forced to move from rich, sheltered bottomlands to empty prairies. Their best home sites, their finest pastures, croplands, and hay meadows, and most of their valuable timber, wildlife, and vegetation were flooded. Relocation of the agency and tribal headquarters on the Cheyenne River, Lower Brule, and Crow Creek reservations seriously disrupted governmental, medical, and educational services and facilities and dismantled the largest Indian communities on these reservations. What was called Cheyenne Agency, the main population center on Cheyenne River, was relocated 60 miles inland to the prairie town of Eagle Butte. As we

have seen, on the Yankton reservation, the village of White Swan was completely dismantled and its residents dispersed to wherever they could find housing.

Removal of churches, community centers, cemeteries, and shrines on all but the Rosebud and Santee Sioux reservations, impaired social and religious life. Loss not only of primary fuel, food, and water resources but also of prime grazing land effectively destroyed the economic base of the five tribes that lost the most land. The thought of having to give up their ancestral land, to which they were so closely wedded, caused severe psychological stress. The result was extreme confusion and hardship for tribal members.

The individual Sioux tribes sought in vain a generous Federal settlement for their damages and for the violation of treaties and statutes that guaranteed the perpetual integrity of their land. They tried to gain for themselves the benefits promised by the Pick-Sloan program, including direct hydropower and irrigation projects. They also sought Government assistance to help them overcome the hardships placed on them and to permit them to escape at last a vicious cycle of poverty and determine their own future. However, at nearly every turn, an economy-minded Government, which too often proved insensitive to their needs, frustrated their efforts.

Recognizing its obligation to see that the Sioux tribes received just compensation, Congress in 1950 authorized the Department of the Interior and the Corps of Engineers to negotiate separate settlement contracts with the respective tribal representatives. Each of these agencies was required to prepare a detailed analysis of damages. In most cases, the tribes themselves also hired private appraisers to assess damage values. In the event that a satisfactory settlement agreement could not be reached in the field, Congress was to arbitrate a final settlement. However, this arrangement did not apply to the Rosebud Sioux, whose land was taken by the Corps through condemnation proceedings, or the Santee Sioux Tribe, who reached a mutual agreement with the Corps and the BIA.

Negotiations with the separate tribes were carried on over a period of fourteen years (1948-1962). Although the tribes eventually received a total of more than $34 million in compensation, this was less than half of the amount they considered to be the fair market value of their damages. The Yankton, Crow Creek, Lower Brule, and Santee tribes were forced to relocate their affected members before receiving a settlement, and the Standing Rock Sioux received funds only at the last possible moment.

Relocation disorganized the social, economic, political, and religious life of well-integrated tribal groups, and had a serious effect on the entire reservation population. The disruption, chaos, and uncertainty generated by this experience made it a most painful one for all tribal members involved.

So shortsighted was the Corps of Engineers planning on the Crow Creek reservation, for example, that families forced to move by the Fort Randall project were relocated within the projected site of the Big Bend reservoir area. Consequently, when time came to open the second dam, these unfortunate tribal families were compelled to move once again.

To conclude the first edition of *Dammed Indians*, I measured the benefits promised by the Pick-Sloan Plan against the actual benefits the Missouri River tribes had received from the dam projects as of 1980. The Corps of Engineers designed their main-stem dams and downstream channels to provide improved flood control, hydroelectric power, irrigation, increased water supplies, navigation, recreation, and other important benefits. However, my evaluation of the Corps' efforts at that juncture concluded that Pick-Sloan had not measurably improved the lives of the Sioux people in regard to any of these provisions.

Jump ahead to 2007 when I began writing new chapters and updated paragraphs for a revised edition of *Dammed Indians*. Three of the new chapters added more details about the impacts of the Fort Randall project on the Yankton and Rosebud Sioux and of the Gavins Point project on the Santee Sioux of Nebraska, all of which had not been covered very extensively in the first edition.

Two other new chapters describe the successful efforts of the tribes to gain additional compensation from Congress for their Pick-Sloan losses

between 1992 and 2002. This effort was spearheaded by leaders of the Three Affiliated Tribes of the Fort Berthold Reservation who lobbied the Department of the Interior to create the Joint Tribal Advisory Committee in 1985. The JTAC was established to study and recommend how the Government could compensate for the fact that the settlements made with the Three Tribes and with the Standing Rock Sioux for damages caused by the Garrison and Oahe projects respectively had not provided just compensation. The recommendations of the JTAC prompted Congress in 1992 to enact a statute that established recovery trust funds capitalized at $149 million for the Three Tribes and $90 million for the Standing Rock Sioux.

The success of the North Dakota tribes in gaining additional compensation from Congress encouraged the other Sioux tribes to follow suit. Consequently, the tribes in South Dakota and Nebraska retained me to document their separate tribal claims based on both my previous research and new studies. For example, to document the dismantling of the village of White Swan, I interviewed over twenty of its former residents. My combined research provided the factual basis for Congressional legislation between 1996 and 2002 that established tribal recovery trust funds totaling over $385 million in compensation for reservation infrastructure lost to Federal dam projects. Of the five funds established, the Cheyenne River Sioux received the largest, over $290 million in 2000, and the Santee Sioux received the

smallest, $4.7 million in 2002. The accrued income from these trust funds will eventually total billions of dollars.

Other chapters of the original book were extensively revised to reassess the tribal benefit to cost ratio of the Pick-Sloan projects: that is to weigh the benefits that the Sioux tribes now receive from the projects against the losses they sustained to make the giant dams possible. The good news is that within the last generation the Sioux tribes have gradually been able to share in an increasing array of the benefits of the Pick-Sloan Plan.

For example, all of the Sioux tribes adjacent to the main stem of the Missouri have now established irrigation farms supplied from the Missouri's reservoir system. The tribal farm at Lower Brule has been the most successful in this regard, expanding its original Grass Rope Unit to become one of the world's largest producers of popcorn.

Of all the benefits promised by Pick-Sloan, water-based recreation is the program purpose that has most exceeded all original expectations. The Corps has found that more of the Pick-Sloan recreation benefits accrue to South Dakota than any other state.

All of the Sioux tribes have developed recreation areas on the Missouri system reservoirs, and many have succeeded in restoring and expanding wildlife habitat on their reservations. However, these tribal efforts were impeded by the so-called Mitigation Bill of 1999, which permitted the State of

South Dakota to take control of most Missouri River system shoreline areas in the state that had been under the jurisdiction of the Corps of Engineers.

Increased water supply has also been a Pick-Sloan program purpose that has expanded far beyond original expectations. The development of the Mni Wiconi Water Supply Project, beginning in the late 1980s, has been the most stunning achievement related to the enhancement of reservation water supplies. This project pumps water out of the Lake Sharpe reservoir behind the Big Bend Dam and delivers it through an elaborate pipeline system to he Lower Brule, Rosebud, and Pine Ridge Sioux reservations, as well as to nine counties in southwestern South Dakota.

Although the Sioux tribes never succeeded in their efforts to get direct electrical power at priority rates from the Pick-Sloan dams, it is increasing rare today to find a residence on any of the Sioux reservations that lacks the benefit of electricity, which was not the case in 1980.

Just as the physical landscape of the Missouri Basin was transformed by the Pick-Sloan projects, the tribal political landscape has also undergone a remarkable transformation during more recent decades. In the 37 years since the passage of the Indian Self-Determination and Education Assistance Act of 1975, there has been a progressive evolution of stronger and more sophisticated and effective tribal leaders, governments, and operations.

The Native American tribes of the Missouri Basin did not have a direct voice regarding the management of the Pick-Sloan system or even a forum for sharing their perspectives until the early 1980s.

In 1989, the Corps was compelled to develop an Environmental Impact Study for its Master Manual for the Pick-Sloan system, which required consultation with and review by the Basin tribes.

Soon thereafter the Corps established a Native American Coordinator (an "Indian desk") within its Omaha office to facilitate communication with the river tribes.

In 1992, the involved tribes incorporated the Mni So-Shay Tribal Water Rights Coalition based in Rapid City, to focus on several issues involving aboriginal or reserved water rights. This organization has expanded its membership to 28 Basin tribes. A series of historical preservation and environmental protection statutes enacted by Congress, beginning with the National Environmental Protection Act of 1969 or NEPA and including the Native American Graves Protection and Repatriation Act of 1990 or NAGPRA, have had the effect of revising the legal framework of the Pick-Sloan program and imposing significant constraints on the Corps' operation of the Missouri River System.

The Corps is now also compelled the to address environmental concerns within tribal communities, to deal with tribes on a government-to-government basis, and to accommodate Native American religious practitioners by allowing them access to and ceremonial use of sacred sites.

Presently, 18 Native American tribes are represented on the Missouri River Recovery Implementation Committee (orMRRIC) which was created in 2007 to provide recommendations and guidance to the Corps regarding its ecosystem mitigation and restoration programs.

In conclusion, the evidence indicates that since 1980 the Sioux tribes have gradually been able to share more of the benefits of Pick-Sloan program, have gained further monetary compensation from Congress for their considerable losses, and have been officially recognized as stakeholders whose viewpoints must be considered by the Corps of Engineers in its present and future management of the Missouri River system.

While the story of *Dammed Indians Revisited* is thus be a bit more upbeat, and perhaps more optimistic about the future than was the original *Dammed Indians*, recent improvements in the situation do not change the fact that the Sioux tribes would probably trade any and all of the benefits and compensation they have received to have back the old meandering Missouri and its rich bottomlands.

It still remains impossible for most tribal members to imagine a time when the benefits of the Pick-Sloan Plan will ever exceed the costs extracted

from their families, their communities, and their culture for the development of the dam projects.